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MEETING

STATE OF CALIFORNIA

INTEGRATED WASTE MANAGEMENT BOARD

SUSTAINABILITY AND MARKET DEVELOPMENT COMMITTEE

JOE SERNA, JR., CALEPA BUILDING

1001 I STREET

2ND FLOOR

COASTAL HEARING ROOM

SACRAMENTO, CALIFORNIA

THURSDAY, DECEMBER 9, 2004

9:30 A.M.

JAMES F. PETERS, CSR, RPR
CERTIFIED SHORTHAND REPORTER
LICENSE NUMBER 10063

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

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Mr. Michael Paparian, Chairperson

Ms. Rosario Marin

Ms. Rosalie Mul

STAFF

Mr. Mark Leary, Executive Director

Ms. Julie Nauman, Chief Deputy Director

Ms. Marie Carter, Chief Counsel

Mr. Pat Schiavo, Deputy Director

Ms. Patty Wohl, Deputy Director

Mr. Jerry Berumen

Ms. Rebecca Brown

Ms. Deborah Borzelleri, Staff Counsel

Ms. Nancy Carr

Mr. Bob Conheim, Staff Counsel

Ms. Kaoru Cruz, Supervisor, Office of Local Assistance,
South Section

Mr. Mike Leason, Supervisor, Plastic Recycling Technologies

Mr. Zane Poulson

Mr. Chris Schmidle

Ms. Jill Simmons

Mr. John Smith, Branch Manager, Recycling Business
Assistance

Mr. Steve Sorelle, Supervisor, Office of Local Assistance,
North Section

APPEARANCES CONTINUED

STAFF

Mr. John Smith, Branch Manager, Recycling Business
Assistance

Ms. Melissa Vargas

Ms. Sarah Weimer

ALSO PRESENT

Mr. Richard Anthony, California Resource Recovery
Association

Mr. Curtis Aaron, City of Fontana

Mr. Gary Liss, Gary Liss & Associates

Ms. Heidi Whitman, City of Ojai

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1 PROCEEDINGS

2 CHAIRPERSON PAPARIAN: Welcome, everybody. This
3 is the Sustainability and Market Development Committee.
4 For our 2 members of the public that I see in the audience
5 this moment, there are speaker slips in the back of the
6 room, but you already know that, if you want to speak on
7 any item.

8 Why don't we start with a roll call.

9 SECRETARY KUMPULAINIEN: Marin?

10 COMMITTEE MEMBER MARIN: Present.

11 SECRETARY KUMPULAINIEN: Mulé?

12 COMMITTEE MEMBER MULÉ: Here.

13 SECRETARY KUMPULAINIEN: Paparian?

14 CHAIRPERSON PAPARIAN: Here.

15 And then ex partes.

16 Board Member Mulé?

17 COMMITTEE MEMBER MULÉ: I'm up to date.

18 COMMITTEE MEMBER MARIN: And so am I.

19 CHAIRPERSON PAPARIAN: And I -- I guess it's okay
20 to report these here. I have 2 Gregory Canyon ones, Eddy
21 Timura letter and Dan Perkins a letter, but I think we're
22 reporting those elsewhere as well. And then just for the
23 record, I also spoke with Michael Blumenthal and Ed
24 Manning of the Rubber Manufacturers Association after
25 their items came up at the Special Waste Committee

1 yesterday.

2 Before we get started, I wanted to take a moment
3 and -- Patty, you might want to jump in on this too --
4 we've been talking about the RMDZ program a little bit.
5 And our desire to really kind of get into the details of
6 the program somewhat and talk about what we can do in the
7 future to enhance the program, make it even better than it
8 is.

9 And in that regard, we're talking about having a
10 couple 2 or 3 workshops in the early part of the year as
11 part of the Committee meeting, perhaps just agenda items
12 on the Committee meeting. One, where we would bring in
13 the RMDZ administrators to talk about their program and
14 perhaps some of the specific companies that benefited from
15 the programs, and tell us their stories.

16 And then I was thinking it might be interesting
17 to bring in some of the other funders and business groups
18 who we might be able to partner with to further enhance
19 the program, folks like, you know, the Chamber of
20 Commerce, the Pollution Control Financing Authority, some
21 others who we haven't traditionally seen before our board,
22 but who I think might be able to help us enhance the
23 program.

24 So that's kind of what we're thinking about. And
25 Patty and her staff are working on some of the thoughts

1 and, you know, probably February I would guess might be
2 the --

3 DEPUTY DIRECTOR WOHL: Yeah, probably the first
4 one we could bring would be in February. And we had
5 talked about trying to highlight a business and maybe
6 showing how staff worked with that business, how the ZAs
7 worked with that business, and then what we did for the
8 actual business, have them tell you. So kind of get that
9 perspective what each of our roles is in helping that
10 business.

11 CHAIRPERSON PAPARIAN: And then the other thing I
12 wanted to mention on RMDZs, this came up yesterday -- and
13 it will be in an item before the full board next week --
14 there's -- when we give out grants in other programs,
15 there's sometimes nexus to the RMDZs, the tire product
16 commercialization grants had given some preference to
17 the -- for those business located in an RMDZ. There was
18 talk about taking that out of the scoring criteria.

19 I talked to the Committee yesterday about, you
20 know, the need to assure that RMDZs are benefited in all
21 of our programs. And the Committee agreed to put that
22 back in. So what we'll see next week in the Board meeting
23 is a revised item that includes some extra points possible
24 for those businesses that locate in an RMDZ.

25 COMMITTEE MEMBER MARIN: I'm glad you raised that

1 point, Mr. Chairman, because I feel very strongly about
2 this. We either support this program and really want them
3 to succeed and provide all the efforts that they need and,
4 you know, taking that scoring criteria points out of it
5 didn't make any sense to me.

6 So I'm glad you spoke up. I feel the same way.
7 And I'm glad that the Committee saw the wisdom of your
8 thoughts and put it to action. I think that this sends a
9 very clear message again to everybody that RMDZ is
10 important to all of us, and those businesses will be given
11 the credits and, what would you call it, the incentives,
12 if you will, to continue to do a great job. So I'm glad
13 you did that.

14 CHAIRPERSON PAPARIAN: Thank you. Then I'll just
15 repeat what I said a minute ago, I know several people
16 have joined us in the last few minutes. If you want to
17 speak on a particular item, there are speaker slips in the
18 back of the room. Fill one out and give it to Ms.
19 Kumpulainen here in the front of the room and she'll make
20 sure we get those.

21 Anything else before we get started?

22 Okay.

23 Ms. Wohl.

24 DEPUTY DIRECTOR WOHL: Patty Wohl, Waste
25 Prevention and Market development. Good morning, Chair

1 Paparian and committee members.

2 I'll give a brief report. I wanted to start by
3 updating you on E-waste. Staff along with toxics' staff
4 has been providing the training workshops for the E-waste
5 collectors and recyclers. And we've done one in
6 Sacramento, Berkeley, San Diego and Glendale. And I think
7 we plan to go north next week.

8 Nearly 300 businesses and local government
9 representatives attended the workshops. We've had a huge
10 turnout. We've covered, you know, the electronic device
11 handling, the management standards, as well as the
12 electronic waste recycling act, the payment system part
13 that they're interested in.

14 The Board of Equalization has also posted their
15 registration information and forms on their web site for
16 retailers that will be collecting the E-waste recycling
17 fee, beginning January 1st. And their projections
18 indicate approximately 75,000 to 80,000 will ultimately be
19 subject to the fee.

20 And then finally I'm happy to announce that the
21 new waste board Erecycle.org has gone live. So this site
22 provides consumers, retailers, manufacturers and recyclers
23 alike with a simple first stop portal into California
24 E-waste management opportunities and the regulations.

25 We've posted sample point-of-purchase materials

1 on this site for retailers to use, so if they want to see
2 what a sample looks like. Sponsorships and partnerships
3 for the site are being coordinated through OPA, and
4 involves such major product manufacturers as IBM and
5 Panasonic, so we're getting some good support with that.

6 Then I'd just like to close by mentioning that
7 the Board -- and we'd like to award it to the Board --
8 received -- although we applied for a GILA award
9 ourselves. We did not get this. But this is sort of our
10 recognition award that they wanted to give us, because of
11 our work on the low-emitting materials project initiative
12 and then how that led to the Carpet and Rug Institute
13 coming up with a green label plus program.

14 So it was kind of a neat little reminder that
15 that project that we did, you know it had a little bit of
16 controversy around it when it started, but it really has
17 been looked at as kind of a state-of-the-art and has led
18 to some big industry change. So the Governor wanted to
19 acknowledge the Board for their effort in that. So we can
20 put that where we put our awards.

21 So that concludes my report. If there's no
22 questions, then we'll move into the first agenda item,
23 which is B or Item 1 in your board book.

24 Consideration of the declaration of pursuant to
25 Public Resources Code Section 42476(f)(4) in compliance

1 with the Electronic Waste Recycling Act of 2003 as
2 amended, that the State is a market participant in the
3 business of recycling of covered electronic waste.

4 And Robert Conheim will present.

5 STAFF COUNSEL CONHEIM: Good morning, Chair
6 Paparian, Chair Marin and Ms. Mulé.

7 Good morning, I'm Bob Conheim from the legal
8 staff. And it's my job this morning to present a small
9 item of statutory conformity for the E-waste program. In
10 SB 50, the bill that made mid-course corrections and
11 changes to the electronic waste recycling law, we asked
12 the author to add a provision that would authorize the
13 State to limit the participation of recyclers to in-state
14 recyclers. And that affects interstate commerce. And as
15 you know, based on the U.S. Constitution, there are only
16 limited circumstances under which a State with its
17 authority can limit the free flow of interstate commerce.

18 And one of them is the circumstance in which the
19 State acts as a quote, "market participant" unquote. And
20 that is where it engages in the particular business. It
21 can't abrogate interstate commerce by regulating, but it
22 can participate in the business. And because of the major
23 funding that the electronic waste recycling law does, it's
24 a perfect match for the State declaring itself a market
25 participant, and organizing the E-waste program to sustain

1 opportunities for recycling for in-state recyclers.

2 So what happened was SB 50 was supposed to make
3 that declaration and provide that statutory statement.
4 But instead, based on the way the drafting came out, it
5 did so. It set the standards, but asks the Board to make
6 that declaration.

7 And so what I've done is prepared a resolution in
8 which I ask the Board to just follow the statute and say
9 that, it declares itself a market participant for the 3
10 reasons that are in the statute; that the fee is collected
11 from state consumers for covered electronic devices sold
12 for use in the State; that the purpose of the fee and the
13 subsequent payments is to prevent damage to the public
14 health and the environment from waste generated in the
15 state; and that the recycling system funded by the fee
16 ensures that economically viable and sustainable markets
17 are developed and supported for recovered materials and
18 components in order to conserve resources and maximize
19 business and employment opportunities within the State.

20 So if the Board is willing to make that
21 declaration, it will make the technical conformance with
22 the statute. And it's one of the last small pieces that's
23 necessary to actually implement this brave new world on
24 January 1st. And so I'm asking the Board to consider and
25 approve Resolution 2004-316.

1 CHAIRPERSON PAPARIAN: Good job explaining that
2 Professor Conheim.

3 (Laughter.)

4 CHAIRPERSON PAPARIAN: Any questions?

5 COMMITTEE MEMBER MARIN: Mr. Chair, I just have
6 one question. And it just -- I think I know what it
7 means, but when it says the statutory provision is not
8 self implementing.

9 STAFF COUNSEL CONHEIM: Yes, what happened was it
10 has language -- we had provided language in the statute
11 that simply would have -- the language would have said the
12 State is a market participant for the following reasons.
13 Instead, the way it appears in the particular statute
14 42476 subdivision (f)(4), it says that the State may make
15 payments to in-state recyclers if the Board so declares.

16 And so there's that one little piece that needs
17 to be done. It wasn't our intention to have it appear
18 that way, but that's the way it fit into this statutory
19 scheme that became SB 50.

20 COMMITTEE MEMBER MARIN: That's what I thought.
21 And that -- so I have no problems with that, Mr. Chairman,
22 if you agree, then I would move adoption.

23 CHAIRPERSON PAPARIAN: Board Member Marin moves
24 adoption of --

25 COMMITTEE MEMBER MARIN: -- of 2004-316.

1 COMMITTEE MEMBER MULÉ: I second.

2 CHAIRPERSON PAPARIAN: It's been moved and
3 seconded. Secretary call the roll.

4 SECRETARY KUMPULAINIEN: Marin?

5 COMMITTEE MEMBER MARIN: Aye.

6 SECRETARY KUMPULAINIEN: Mulé.

7 COMMITTEE MEMBER MULÉ: Aye.

8 SECRETARY KUMPULAINIEN: Paparian?

9 CHAIRPERSON PAPARIAN: Aye.

10 Good job. Nice lapel pin.

11 STAFF COUNSEL CONHEIM: Thank you. Do I need to
12 ask you or do you decide later which items will be on
13 consent?

14 CHAIRPERSON PAPARIAN: Oh, thank you. This goes
15 on consent.

16 STAFF COUNSEL CONHEIM: Okay, thank you.

17 DEPUTY DIRECTOR WOHL: Agenda Item C, Board Item
18 2 in your book is consideration of awards for the reuse
19 assistance grants program, fiscal year 2004/2005. And
20 Sarah Weimer will present.

21 MS. WEIMER: Good morning Chair Paparian and
22 Committee Members, Sarah Weimer with the Reuse Assistance
23 Grants Program of the Waste Prevention Market Development
24 Division

25 This item is for approval of the fiscal year

1 2004/2005 offering of the reuse assistance grants awards.
2 Through the 2000/2001 budget process, the Board secured
3 \$250,000 annual expenditure authority from the IWMA
4 account through BCP number 5 for administering future
5 offerings of reuse assistance grants.

6 At the May 11th and 12th 2004 meeting, the Board
7 approved and adopted the scoring criteria and the process
8 for evaluating the fiscal year 2004/2005 offering grant
9 applications.

10 At the June 15th, 2004 meeting, staff presented
11 an overview of the past 5 years of the reuse assistance
12 grants program, and the Board reaffirmed its commitment to
13 the program and the processes it has followed. Board
14 staff solicited applications for the reuse assistance
15 grants from August 5th, 2004 through October 29th, 2004.

16 A total of 32 applications were received by the
17 final filing date of October 29th. Twenty-nine
18 applications were deemed complete and eligible for
19 application. Nineteen grant proposals met the minimum
20 scoring requirement of 75 points in the general review
21 criteria. Due to total funds available, staff recommends
22 funding 6 applications by, 5 fully and one partially based
23 on their passing score and ranking, totaling \$250,000 from
24 fiscal year 2004/2005.

25 The resolution contains a listing of the

1 recommended grant award recipients. The proposed
2 recipients are as follows: City of Stockton, City of
3 Modesto; City of Chico; El Dorado County; San Mateo
4 County; and Riverside County. I am happy to describe the
5 projects in more detail if you'd like or answer questions
6 you have.

7 CHAIRPERSON PAPARIAN: I've got a couple quick
8 questions. The Southern California passing applicants,
9 most of them didn't make it to the -- there's only one
10 that made it to the top list, and they only get partially
11 funded.

12 Can you -- I mean, without going into detail, I
13 don't think you can do that about how you scored them, why
14 are the southern California ones tending to be lower?

15 MS. WEIMER: In the past in the history of the
16 program, the Board has approved the criteria to not
17 consider geographic distribution based on the limited
18 funding we have. It's such a small program, we only award
19 5 or 6 projects each offering. And the proposals are
20 based solely on the merit of the project, not on
21 geographic location.

22 CHAIRPERSON PAPARIAN: Right, but is there
23 something that southern Californians are doing in the way?
24 It's sort of -- when I look at it just on the surface, it
25 looks sort of peculiar that the southern California ones

1 couldn't quite write the application or come up with the
2 project that was as good as some of the northern
3 California ones.

4 MS. WEIMER: I think it would be difficult to
5 make that assessment just looking at the geographic
6 locations. Some of them the projects just aren't as
7 competitive as other projects. All applications are
8 scored based on the Board approved criteria, and then the
9 rankings fallout as follows.

10 CHAIRPERSON PAPARIAN: And then in the past, have
11 we -- when we've done reallocations in the spring time,
12 have we looked at reuse assistance grants?

13 DEPUTY DIRECTOR WOHL: Yes, we have.

14 CHAIRPERSON PAPARIAN: So it's possible that some
15 could get funding, if we had money available.

16 MS. WEIMER: Because there was -- yes, there is a
17 large number, as you can see, with the attachment that
18 aren't funded, both north and south. Just because of the
19 limited funding, we have available -- we are only able to
20 award the top 5 even though there are 19 or so
21 applications that receive passing scores and could be
22 funded if we'd had more funding available.

23 CHAIRPERSON PAPARIAN: Board Member Mulé, you had
24 a question.

25 COMMITTEE MEMBER MULÉ: Well, I guess I just want

1 to ask the same question a little bit differently. Thank
2 you, Mr. Chair.

3 I do see that there are several applicants that
4 have met the scoring criteria of 75 or above. And so I
5 guess the way I'm going to ask the question is how do we
6 determine which ones get funded? Is it solely --

7 MS. WEIMER: It's solely based on rank, so those
8 that rank -- the highest score is funded and then goes
9 down through the list until the funds run out. So the
10 applicant the very highest of the ranking will be funded
11 first, then it goes down sequentially.

12 COMMITTEE MEMBER MULÉ: Thank you.

13 DEPUTY DIRECTOR WOHL: Maybe I can just ask
14 Sarah, was there any particular criteria you noticed that
15 people maybe, in the south, if there was, that they did
16 not do as well on a particular criteria?

17 MS. WEIMER: Well, the criteria is weighted
18 heavily on the need for the project. So if there is a
19 project -- just looking across the whole board. If there
20 is a project that has a propensity for long-term standing,
21 where even with the funds are no longer being distributed
22 for the project the funding has ended that the project
23 will continue, we have -- the Board has approved the
24 criteria that allows more points to be given for a project
25 that has a propensity for long-term standing, compared to

1 a project that will cease to exist once the funding has
2 stopped.

3 CHAIRPERSON PAPARIAN: Chair Marin?

4 COMMITTEE MEMBER MARIN: Mr. Chairman, one of the
5 things that I was -- you know, I don't every want to come
6 in and second guess what the previous board had already
7 alluded to. And for them, obviously geographic -- for the
8 previous boards at least -- geographic considerations were
9 not very important.

10 CHAIRPERSON PAPARIAN: I can maybe --

11 COMMITTEE MEMBER MARIN: Enlighten me on that.

12 CHAIRPERSON PAPARIAN: Yeah. It actually -- when
13 I first came on the Board, there wasn't a geographic
14 preference. And we did discuss it and create a geographic
15 preference for most of our grants. What happened on this
16 one was the feeling was that the amount available was so
17 low, that it was awkward to apply because you only get 4
18 or 5 passing applicants. It was awkward to apply a
19 geographic test when you have such a small pot of money
20 and so few recipients.

21 But I think that, you know, my experience, since
22 I've been on the Board is, that the Board generally is
23 very sympathetic towards geographic consideration. And
24 its generally been about a 60/40 split.

25 MS. WEIMER: It has. This is sort of an anomaly

1 year. Generally it has followed --

2 COMMITTEE MEMBER MARIN: Eighty, twenty.

3 MS. WEIMER: Yeah. It generally has been very
4 equally distributed, even without considering that.

5 COMMITTEE MEMBER MARIN: Even the --

6 CHAIRPERSON PAPARIAN: Yeah. And the other
7 grants, the 60/40 is 60 southern California, 40 northern.

8 COMMITTEE MEMBER MARIN: Actually, it's 80/20,
9 but in reality they're only getting \$1,000, Riverside is
10 getting a thousand.

11 MS. WEIMER: That's just where they're ranked,
12 the funding has run out. They requested 50. We would
13 have -- since they received a passing score, if we'd more
14 funding available, we could have given them the full 50,
15 but we just wanted to be able to give them as much as we
16 could, with the limited funding we have available.

17 COMMITTEE MEMBER MARIN: Yeah. So I understand.
18 But almost all of it goes to northern California, Mr.
19 Chairman. And I think that while not necessarily giving
20 it preference, there might be a gentler distribution
21 across the state, Mr. Chairman, for other things without
22 necessarily scoring them. I mean, they should jump at
23 people that all the monies up here, even if it's only
24 \$250,000.

25 I don't know how you fix that. And it's not for

1 this particular time around, but I think we need to
2 somewhere somehow when it is 98 percent going to just the
3 northern part of the state, when the vast majority of
4 Californians live down south, it's questionable.

5 So just food for thought, and maybe when we come
6 the next time for criteria, that this is something that we
7 would look at.

8 In addition to that, I also saw -- and believe
9 me, I think Habitat For Humanity is incredibly important
10 organization that does exactly what we ask them to do.
11 But out of the 5 or 6 rather -- I don't count Riverside,
12 because they're getting \$1,100. Out of those 5, I think 3
13 of them Habitat For Humanity is a recipient of somewhere
14 somehow. I really applaud the efforts of Habitat For
15 Humanity, but I don't want to be criticized, if you will,
16 Mr. Chairman, that we may be playing favorites for one
17 particular organization.

18 I'm sure that is not the case. I am sure that
19 they did an outstanding job suggesting the need and how
20 they're going to fulfill that. But it just -- it also
21 seemed to jump at me.

22 So just food for thought, Mr. Chairman.

23 CHAIRPERSON PAPARIAN: Thank you. Back to -- we
24 haven't dealt with the next round of scoring criteria,
25 have we?

1 DEPUTY DIRECTOR WOHL: No, we have not.

2 CHAIRPERSON PAPARIAN: Okay. So we'll make sure
3 to flag this for the next one so we have a discussion of
4 whether we want to make some alterations based on north
5 south?

6 DEPUTY DIRECTOR WOHL: Yes.

7 COMMITTEE MEMBER MARIN: I'm willing to move it,
8 Mr. Chairman. I don't have any objections to it. I just
9 think that I needed to raise those concerns.

10 CHAIRPERSON PAPARIAN: Yeah. And I think -- I
11 mean, just so that there's no mistake, I think we're all
12 very supportive of this program.

13 COMMITTEE MEMBER MARIN: Yes.

14 CHAIRPERSON PAPARIAN: You know, but we'll --
15 next time on the scoring criteria we'll take a look at it.
16 And I think that if we have funds available, this would be
17 a very likely possibility for reallocation of when that
18 time comes around.

19 Did you have another question?

20 COMMITTEE MEMBER MULÉ: I just want to comment.
21 I mean Sarah did mention that this is an anomaly, that
22 this is unusual for us to have the majority of recipients
23 from northern California. But I also do agree with
24 Chairwoman Marin that we really need to take a close look
25 when we evaluate these and really, really examine the need

1 for -- I mean, they're all good projects without a doubt,
2 but we just might want to just revisit some of these again
3 next year.

4 Thank you.

5 CHAIRPERSON PAPARIAN: Okay. So Chair Marin is
6 moving Resolution 2004-317.

7 I'm sorry. Go ahead.

8 CHIEF COUNSEL CARTER: Marie Carter, Legal
9 Office. I just wanted to alert you to the resolution and
10 on the -- let's see, it's not a numbered page. It's the
11 backside of the resolution. And it states, "In the event
12 the grant agreement cannot be entered into with proposed
13 grantees or if additional funds become available, those
14 funds shall be awarded to the next highest ranking
15 applicant."

16 You might want to strike that, because in this
17 resolution, you're saying monies become available later on
18 in the year through this grant program, you would
19 redistribute possibly based upon geographic split. And if
20 that's your intention, it would be wise to eliminate this
21 language.

22 CHAIRPERSON PAPARIAN: Okay. So if we cut that
23 sentence, you're suggesting and then just leave it --
24 we've cut that sentence, then we still could come back and
25 reallocate as we --

1 CHIEF COUNSEL CARTER: Yes.

2 CHAIRPERSON PAPARIAN: -- as we discussed.

3 COMMITTEE MEMBER MARIN: Mr. Chairman, we just
4 delete the entire section, right, "In the event the grant
5 agreement cannot be entered..."

6 CHAIRPERSON PAPARIAN: That entire sentence.

7 COMMITTEE MEMBER MARIN: We'd just delete that.

8 CHIEF COUNSEL CARTER: Yes.

9 CHAIRPERSON PAPARIAN: Okay so. Chair Marin is
10 moving Resolution 2004-317 revised with the additional
11 revision of removing that sentence that we just talked
12 about.

13 COMMITTEE MEMBER MULÉ: Second.

14 CHAIRPERSON PAPARIAN: It's seconded by Board
15 Member Mulé. We'll substitute the previous roll call, and
16 this would go on fiscal consensus.

17 Thank you.

18 MS. WEIMER: Thank you.

19 DEPUTY DIRECTOR WOHL: Okay. Agenda Item D is
20 discussion and request for rulemaking direction on
21 noticing revisions to the Recycling Market Development
22 Zone loan regulations to allow the use of RMDZ loan funds
23 to leverage private, nonprofit or government loan funds
24 and make technical revisions to RMDZ loan regulations for
25 an additional 15-day comment period.

1 And John Smith will present.

2 RECYCLING BUSINESS ASSISTANCE BRANCH MANAGER

3 SMITH: Good morning, Chair Paparian and members Marin and
4 Mulé. For the record my name is John Smith. I'm manager
5 of the recycling business assistance branch.

6 In this item we're asking your approval to send
7 out the revised RMDZ loan regulations for an additional
8 public review period of 15 days.

9 A little background. Based on Board direction
10 given in September of 2003, staff revised the loan
11 regulations. We added a new section which clarified the
12 Board's authority to leverage RMDZ loan funds with other
13 public and private funding sources so as to maximize the
14 funds available to recycling processors and manufacturers
15 in RMDZs.

16 We also made some technical changes to the
17 existing loan regulations section. We sent out the
18 revised regulations for a 45-day public review period that
19 ended in July. We received comments from the California
20 Association of Recycling Market Development Zones. Most
21 of their comments pertained to the technical changes in
22 the existing section of the regulations. They had one
23 minor comment on the new section, which authorized the
24 Board to leverage dollars.

25 Their comments were primarily aimed at how the

1 Board determines who is eligible to apply for a loan, how
2 we process loan applications, and which applicants are
3 actually given loans.

4 We prepared an initial response documentary
5 responding to all the association comments and sent that
6 document to Steve Lautze, president of the association.
7 We discussed those responses in a teleconference with
8 Steve. As a result of that conference, we made further
9 modifications to the response document as well as the regs
10 themselves. We then Emailed him a revised response
11 document and left open if he had any comments on that. We
12 haven't received any other comments from them on that.

13 Once the Committee item was made public on the
14 Board's web site, we Emailed the zone administrators
15 telling them about the upcoming meeting and we provided an
16 electronic link to the item. In addition, we faxed the
17 entire item to Mr. Lautze and another zone administrator
18 that had requested it.

19 As I said, we've made several changes to the
20 recommendations based on the association's comments. Two
21 of the big items were that we made public entities again
22 eligible for RMDZ loans. And we clarified the process for
23 selecting applicants in the event that funding becomes
24 limited.

25 And that process would be we would treat them on

1 a first-come first-served basis. We also clarified for
2 the zone administrators in the regulations that leveraging
3 is optional for the Board.

4 Some of these changes are substantial and will
5 require further public notifications as we did with the
6 original regulations and a formal review and comment
7 period of 15 days.

8 So we are recommending that we be allowed to
9 submit the revised regs for another 15-day public review
10 period. After that public review period ends, it will
11 probably be in the January meeting, we then bring the
12 entire regulations back to the Committee and the Board for
13 consideration.

14 I'll be happy to answer any questions you have
15 about the regulation package.

16 CHAIRPERSON PAPARIAN: I think we do have some
17 questions.

18 Board Member Marin.

19 COMMITTEE MEMBER MARIN: Mr. Chair, maybe John
20 said it, but I'm concerned about the eligibility criteria,
21 wherein we have to take a less -- if it is not adopted, it
22 would have to go through the regulatory process and it
23 would take up to a year to get that changed.

24 RECYCLING BUSINESS ASSISTANCE BRANCH MANAGER
25 SMITH: I think so.

1 COMMITTEE MEMBER MARIN: I'm very concerned about
2 that. I mean, if we have to do that -- how do we stop
3 that? What do we need to do?

4 RECYCLING BUSINESS ASSISTANCE BRANCH MANAGER

5 SMITH: The CRMDZ recommended that the eligibility
6 criteria be named in the regulations. Right now the
7 Board, through the existing regulations, has been given
8 added flexibility to consider priorities as they come up.
9 The document we use is the eligibility criteria. And with
10 the eligibility criteria we have workshops on it. We
11 involve the zone administrators, and we bring it to
12 committee and board, and periodically look at it every 1
13 or 2 years.

14 The CRMDZ specifically wants that mentioned in
15 the regs. And in mentioning that in the regs, you're
16 going to end up probably having to provide OAL with a copy
17 of that eligibility criteria and you may open the issue of
18 maybe these underground regs. So what we've been trying
19 to encourage Steve Lautze is that there's a process right
20 now that's well controlled, and it's outside that
21 regulations process. And the big advantage is that you're
22 not going to have to spend 9 months to get your criteria
23 changed.

24 COMMITTEE MEMBER MARIN: Does he understand that?
25 I mean do the zone administrators understand that?

1 RECYCLING BUSINESS ASSISTANCE BRANCH MANAGER

2 SMITH: Right. We've had several conversations with him.

3 And we've left -- we did send him again the revised

4 response to comments document. We left several phone

5 calls with him. So I haven't heard anything, you know,

6 whether he was still wanting to do that, but we've made

7 attempts.

8 COMMITTEE MEMBER MARIN: Well, it would seem to

9 me that he would withdraw his opposition if he understood

10 what this really truly means when he's asking --

11 RECYCLING BUSINESS ASSISTANCE BRANCH MANAGER

12 SMITH: And Committee Member Marin, we've explained that

13 to him. So we'll be glad to explain it to him during this

14 additional time.

15 COMMITTEE MEMBER MARIN: Okay, because it makes

16 no sense to me, Mr. Chair, that maybe there's some

17 confusion as to what he's attempting to secure versus what

18 this will actually end up doing. This will work against

19 him.

20 RECYCLING BUSINESS ASSISTANCE BRANCH MANAGER

21 SMITH: We are very committed to working with him to get

22 the changes to the eligibility criteria.

23 COMMITTEE MEMBER MARIN: Okay, perfect.

24 Thank you.

25 CHAIRPERSON PAPARIAN: Okay. Did you have

1 something else on this?

2 COMMITTEE MEMBER MULÉ: No.

3 CHAIRPERSON PAPARIAN: Okay. I think we're all
4 comfortable with it going out for another 15 days and then
5 coming back.

6 RECYCLING BUSINESS ASSISTANCE BRANCH MANAGER

7 SMITH: In January.

8 CHAIRPERSON PAPARIAN: And you're hoping that it
9 will come back as the regulations to vote on?

10 RECYCLING BUSINESS ASSISTANCE BRANCH MANAGER

11 SMITH: You'll have formal regulations to recommend to the
12 Board for adoption, yes.

13 CHAIRPERSON PAPARIAN: Okay.

14 DEPUTY DIRECTOR WOHL: So that would be a
15 committee-only item then. It would not go to the Board.

16 CHAIRPERSON PAPARIAN: Right.

17 DEPUTY DIRECTOR WOHL: So Agenda Item E or 4. We
18 have a lot of long titles today. Consideration of
19 requests to take no further enforcement action for the
20 1997 through 1999, 2000 and 2001 Rigid Plastic Packaging
21 Container Compliance Certification based on company size
22 and/or volume of sales, impacts on the waste stream or
23 other issues for the following product manufacturers:
24 Americlean Inc.; Chemence Incorporated; Duraclean
25 International; Fitzgerald's Restoration Products Inc.;

1 Pure Power Lubricants; Truck-Lite Company Inc.

2 And Jerry Berumen will present.

3 MR. BERUMEN: Good morning, Chairperson Paparian
4 and Committee Members. I'm Jerry Berumen with the Board's
5 plastic recycling technology section. And I will be
6 presenting Board Agenda Item number 4, which is Committee
7 Agenda Item letter E.

8 Consideration of request to take no further
9 enforcement action for the 1997 through 1999, 2000 and
10 2001 Rigid Plastic Packaging Container Compliance
11 Certification based on company size and/or volume of
12 sales, impacts on the waste stream or other issues.

13 Board staff and legal counsel agree that the
14 following product manufacturers have demonstrated that
15 they meet the criteria listed and no further action should
16 be taken at this time.

17 Duraclean International Incorporated,
18 Fitzgerald's Restoration Products incorporated and Pure
19 Power Lubricants have demonstrated that they have a de
20 minimis impact on California's waste stream. Americlean
21 Incorporated has been sold and disbanded.

22 The resolution will be amended to reflect Option
23 1. Therefore, staff recommends that the Board approve
24 Option 1 and adopt Resolution numbers 2004-320, 2004-321,
25 2004-322 and 2004-318 as amended.

1 Truck-Lite Company Incorporated has demonstrated
2 compliance with California's RPPC law. Staff recommends
3 that the Board approve Option 2 and adopt Resolution
4 number 2004-323.

5 Chemence Incorporated has documented
6 technological barriers due to the nature of their
7 chemicals. The containers are currently at their lightest
8 weight and the use of the post-consumer resins could cause
9 container failure, which in turn could lead to
10 environmental hazards.

11 Therefore, staff recommends that the Board
12 approve Option 3 and adopt Resolution number 2004-319.

13 This concludes my presentation. Thank you for
14 your time, and I'll be happy to answer any questions.

15 CHAIRPERSON PAPARIAN: Okay. Any questions
16 before I go into how we're going to vote on these?

17 Any questions?

18 COMMITTEE MEMBER MARIN: No. Actually, Mr.
19 Chairman, I think that, you know, I love saying this. I
20 have to give a lot of kudos to staff because I know that
21 this has not been easy working with some of these
22 companies, and you guys somewhere somehow find -- I know,
23 Patty does a lot of juggling to get all of these companies
24 to agree to do things that sometimes they don't want to
25 do, and to work with them to meet them halfway. I know

1 it's not easy, but it got done. And I appreciate the hard
2 work of the staff in working with all of these different
3 companies to come to agreement as to how we treat them.

4 MR. BERUMEN: Thank you.

5 CHAIRPERSON PAPARIAN: Can we vote on these as a
6 package?

7 STAFF COUNSEL BORZELLERI: Yes.

8 CHAIRPERSON PAPARIAN: So I'm looking for a
9 motion on Resolution 2004-318 with the revision that was
10 described by staff. And resolutions 2004-319, 320, 321,
11 322, and 323.

12 COMMITTEE MEMBER MULÉ: Move for approval.

13 CHAIRPERSON PAPARIAN: Moved by Board Member Mul
14 seconded by Board Member Marin?

15 COMMITTEE MEMBER MARIN: (Nods head.)

16 CHAIRPERSON PAPARIAN: We'll substitute the
17 previous roll call and we can put these on consent?

18 STAFF COUNSEL BORZELLERI: Yes.

19 CHAIRPERSON PAPARIAN: Okay.

20 DEPUTY DIRECTOR WOHL: Moving right along.

21 Agenda Item F, consideration of the protocol for
22 conducting annual compliance certifications under
23 California's Rigid Plastic Packaging Container law.

24 And Mike Leao will present.

25 PLASTICS RECYCLING TECHNOLOGY SECTION MANAGER

1 LEAON: Thank you, Patty. Good morning, Mr. Chairman and
2 committee members. Mike Leاون, Supervisor Plastics
3 Recycling Technology Section. I have a brief presentation
4 for you this morning regarding a proposed protocol.

5 (Thereupon an overhead presentation was
6 Presented as follows.)

7 PLASTICS RECYCLING TECHNOLOGY SECTION MANAGER

8 LEAON: Staff is asking four approval of.

9 And I'd like to begin by talking about why is
10 this necessary. We're at this point as a result of Senate
11 Bill 1729 which repealed the all-container PET rates from
12 the law or the requirement that the Board publish those
13 rates. The effect of that is the Board is determined to
14 conduct annual compliance certifications for the Rigid
15 Plastic Packaging Container Program.

16 Staff is proposing a protocol that we believe
17 will help to effectively carry out future RPPC
18 certifications.

19 --o0o--

20 PLASTICS RECYCLING TECHNOLOGY SECTION MANAGER

21 LEAON: If I can figure out how to work the remote.

22 Maybe you can -- there you go.

23 Thank you.

24 Okay. The elements that are included in the
25 protocol are notification. We want to provide advanced

1 notice to product manufacturers that they may be included
2 in a certification. We want to conduct outreach and
3 education to product manufacturers and container
4 manufacturers to help them understand the requirements of
5 the law and what they need to do in order to comply. We
6 also want to identify who is the regulated community and
7 who are the regulated product manufacturers that
8 potentially could be included in future certification
9 cycles. And we also want to conduct certifications in a
10 more timely fashion and complete them on a one-year cycle.

11 Next slide.

12 --o0o--

13 PLASTICS RECYCLING TECHNOLOGY SECTION MANAGER

14 LEAON: Okay. Beginning with the notice, we're proposing
15 that product manufacturers receive notice by July 1st of
16 the reporting period that they may be included in the
17 certification cycle.

18 This will give them plenty of advanced notice in
19 order for them to begin preparing for that certification.
20 We're recommending that we limit that notice to 100
21 companies and we would certify 75 companies out of that
22 particular pool.

23 It is important to know, however, that
24 manufacturers are expected to be in compliance with the
25 law at all times regardless of whether they are included

1 in a certification cycle or not.

2 --o0o--

3 PLASTICS RECYCLING TECHNOLOGY SECTION MANAGER

4 LEAON: Regarding outreach and education, we feel that
5 it's important to follow up with the regulated community
6 to provide them with guidance and assistance in order to
7 come into compliance with the law.

8 And some of the things we're proposing to do are
9 to place ads in trade publications in the hopes of
10 reaching a wide audience; provide a link in that ad to the
11 Board's web site; and provide specific information on that
12 web page about the program and what's a regulated RPPC.

13 We'll also be updating our web page to make that
14 a more useful tool for the regulated community. And we
15 will continue with our monthly interested parties meetings
16 that provides a chance for direct meetings with
17 stakeholders and to air issues.

18 --o0o--

19 PLASTICS RECYCLING TECHNOLOGY SECTION MANAGER

20 LEAON: Continuing with outreach and education, we also
21 want to look at what opportunities there are at the
22 Recycled Content Product Trade Show to promote the use of
23 compliant RPPCs. We'll continue with one-on-one meetings.
24 We've been getting quite a bit of phone calls now with
25 companies being proactive in contacting us and wanting to

1 know what they need to do to comply with the law. And we
2 see that as a very positive development.

3 We also plan to conduct a workshop next year with
4 an eye towards working with product manufacturers and
5 their container manufacturers to explain the requirements
6 of the law to help them to prepare for demonstrating
7 compliance.

8 And another key thing that we propose to do is to
9 retain a technical consultant using RCP -- or RPPC BCP
10 dollars to retain a technical consultant and have them
11 available to assist container manufacturers and product
12 manufacturers with developing and using compliant
13 containers.

14 --o0o--

15 PLASTICS RECYCLING TECHNOLOGY SECTION MANAGER

16 LEAON: Regarding product manufacturer identification,
17 we're proposing to maintain a master list. We've
18 certified over 1,500 companies to this point. We want to
19 go back and look at that list of companies, purge
20 companies that are no longer in business or no longer
21 selling product into California or that may have had a de
22 minimis impact. We feel that once we do that we'll
23 probably have a list of about 600 companies that would be
24 in that certification pool.

25 And again we're proposing only to certify between

1 75 to 100 companies in each certification cycle.

2 --o0o--

3 PLASTICS RECYCLING TECHNOLOGY SECTION MANAGER

4 LEAON: We do want to prioritize the selection of product
5 manufacturers going into a certification. We're proposing
6 that we give top priority to companies that were dropped
7 from the previous certification for whatever reason.
8 Typically, that would be Mergers and acquisitions. And we
9 would roll those companies forward. So they would get top
10 priority.

11 Second priority would be given to newly
12 identified companies. Staff routinely conducts store
13 surveys. Plus research on the Internet in trade
14 publications. We get referrals from other manufacturers.
15 We've worked with trade associations in the past. So we
16 want to update that list of companies with newly
17 identified companies and make sure that we include new
18 companies in each certification cycle.

19 And finally, previously certified companies, we
20 would fill out any additional companies we would need by
21 pulling from that master list. However, with one caveat
22 that companies that have previously demonstrated
23 compliance in a certification cycle would get at least a
24 one-year break. They wouldn't be certified back to
25 back -- in back-to-back cycles if they were compliant.

1 --o0o--

2 PLASTICS RECYCLING TECHNOLOGY SECTION MANAGER

3 LEAON: Our goal is to complete certifications cycles in
4 one year. I think the regulating community would
5 certainly welcome this so that this process doesn't drag
6 out over 2 to 3 years.

7 And just summarizing. The timeline, again we'd
8 mail the certification package by January 1. That
9 certification package would be for the previous calendar
10 year. Certifications would be due back to the Board by
11 April 1st. And our goal would be to complete that
12 certification by the following April of the next year.

13 Some of the tasks that would go into that are
14 review and following up on the submitted certifications.
15 I would anticipate that we'd complete that by September or
16 October. Negotiating settlements with any companies that
17 may be out of compliance, following that. And where we
18 were unsuccessful in negotiating a settlement, we may have
19 to conduct public hearings. And that would be done in the
20 early part of the following year.

21 And I would anticipate that we would complete the
22 certification in that schedule for the vast majority of
23 companies. And as we do our outreach and education, I
24 think we're going to have higher compliance rates. And
25 this program, I think, will be moving forward and be

1 conducted in a much more efficient manner.

2 That concludes my presentation.

3 CHAIRPERSON PAPARIAN: Questions?

4 Board Member Marin?

5 COMMITTEE MEMBER MARIN: Mr. Chair, I have a
6 couple of questions. Have we received any opposition to
7 any of this? I read the staff report. It says here that
8 there has been no. -- neither support and/or written
9 opposition. Have you heard of -- have you received any
10 phone calls? Are we going to get any phone calls?

11 PLASTICS RECYCLING TECHNOLOGY SECTION SUPERVISOR
12 LEAON: Well, I had one phone call from an industry
13 representative who was very much in support of the
14 protocol. Especially, our commitment to do outreach and
15 education. That was very welcome. But other than that,
16 no, we've had no other input on this.

17 COMMITTEE MEMBER MARIN: Good. In addition, Mr.
18 Chairman, I would like to ask, do we currently serve as
19 the technical consultants regarding RPPC? Is that our
20 role? Is that staff's role?

21 PLASTICS RECYCLING TECHNOLOGY SECTION MANAGER
22 LEAON: To some degree. You know, of course, we can't put
23 ourselves in a position of advising a company and then
24 being held accountable against, you know, our own advice
25 that we provide.

1 But we do work with them on explaining the
2 requirements of the law and, you know, what they need to
3 do in order to come into compliance. But, you know, we
4 can't advise them on decisions that they need to make
5 about the types of containers they're going to use or
6 things of that nature.

7 COMMITTEE MEMBER MARIN: Okay. And I know Mark
8 is not here, but I was wondering, Mr. Chair, why we would
9 need then to retain a technical consultant to do precisely
10 what you just said that we should have been doing?

11 PLASTICS RECYCLING TECHNOLOGY SECTION MANAGER
12 LEAON: Right. Well, I would view that as somewhat
13 independent of, you know, reviewing the certification. It
14 would be done in advance of the certification being
15 submitted. And we have heard from many manufacturers that
16 they do have challenges in figuring out how they can
17 incorporate post-consumer material into the container and
18 still have that container perform the way they want it to.

19 So I think our view on this was that this is
20 something that could be done prior to a company being
21 included in the certification cycle. And that if they
22 wanted to avail themselves of assistance that we would
23 have the ability to do that without, you know,
24 compromising or putting the Board or staff in the
25 position -- that difficult position of giving advice that,

1 you know, we would have to be held accountable for.

2 COMMITTEE MEMBER MARIN: Because we would be
3 paying this contractor. And maybe, Mr. Chair, if I may, I
4 would just like to -- are we requesting action on this
5 item? Is there a request for action?

6 CHAIRPERSON PAPARIAN: The action is for the
7 protocol.

8 COMMITTEE MEMBER MARIN: Oh, the protocol. Okay,
9 then --

10 CHAIRPERSON PAPARIAN: And then the question of
11 spending money on a technical consultant or some of the
12 other items would be a separate BCP would it be?

13 PLASTICS RECYCLING TECHNOLOGY SECTION MANAGER
14 LEAON: We have a standing BCP for Rigid Plastic Packaging
15 Container Program.

16 DEPUTY DIRECTOR WOHL: It would come forward
17 though in some form, either through the mandatory contract
18 processor at the beginning of the year, so you would have
19 an opportunity. But I think we hear your concerns.

20 COMMITTEE MEMBER MARIN: There's two things, Mr.
21 Chairman. I would love to move the item without that
22 particular section. I know that it's not part of the
23 resolution, but I would have to pose the questions to Mark
24 and to our legal counsel to make sure. Because by your
25 description, maybe I'm not understanding it correctly.

1 You know, we would still be responsible.

2 So I would like to discuss that with the
3 Executive Director, Mr. Chairman.

4 CHAIRPERSON PAPARIAN: Okay, but so --

5 COMMITTEE MEMBER MARIN: I have no problem.

6 CHAIRPERSON PAPARIAN: But sort of bracketing
7 sort of that item which needs Chair Marin would like some
8 further discussion on, we can go ahead with this without,
9 you know, prejudicing one way or another our future action
10 on that. I guess I'm looking for legal counsel's

11 STAFF COUNSEL BORZELLERI: Yes, we can do that.
12 And it's in the record the reservations that you have. So
13 we can have that discussion, and then when a contract
14 comes forward or any other discussion, we can do it then.

15 COMMITTEE MEMBER MARIN: Thank you, Mr. Chair.

16 CHAIRPERSON PAPARIAN: Okay.

17 Board Member Mulé.

18 COMMITTEE MEMBER MULÉ: Thank you, Mr. Chair. I
19 just want to commend staff for the hard work that they did
20 on this. I know that in the past that you've had your
21 challenges with this whole RPPC law and the certification
22 process. And I think that this is a huge step in the
23 right direction in terms of moving forward with this in a
24 manner that doesn't burden staff and utilize our precious
25 resources and our limited resources in a manner.

1 And it seems like you've thought this out and
2 you've really worked hard in terms of trying to make the
3 process as efficient but as effective as possible. And
4 again I just want to go on the record to commend staff for
5 the hard work you've done.

6 I do, though, want to concur with Chairwoman
7 Marin on the technical consultant. I had a little
8 question mark by that too. I was just wondering, you
9 know, who that might be or how much we're spending on
10 that.

11 So other than that, I mean, you all have done a
12 wonderful job, and I just want to commend you for your
13 hard work.

14 Thank you.

15 CHAIRPERSON PAPARIAN: Okay. There's one more
16 question, I think. Go ahead.

17 COMMITTEE MEMBER MARIN: Yes, Mr. Chairman. I
18 forgot I had my notes and I went through the end and I
19 forgot the first one. The first one was, you know, often
20 times we get -- or at least I have received concerns from
21 the -- how would I call it -- in-country manufacturers
22 versus the concerns for out-of-the-country manufacturers,
23 to the degree that we have absolutely no control over
24 manufacturers from outside our country.

25 And I don't know, Mr. Chairman, that we can

1 address that here, but I know that that is a concern that
2 is expressed by some people. And I always say well, we
3 can only control what we can control, you know. If we
4 have no control of overseas manufacturers, we don't have,
5 and then you get into trade issues. But that's -- I don't
6 know how to address that. And I don't know that this is
7 the point, but I get that all the time.

8 PLASTICS RECYCLING TECHNOLOGY SECTION MANAGER

9 LEAON: Okay. And we can certainly look at that issue. I
10 think it was more of a concern in the plastic trash bag
11 program than the RPPC program. But certainly the export
12 of baled bottles out of the state and availability of
13 post-consumer material to comply may be an issue. So
14 that's something that we can take a closer look at.

15 COMMITTEE MEMBER MARIN: Thank you, Mr. Chairman.

16 COMMITTEE MEMBER MULÉ: Mr. Chair, I would like
17 to move Resolution 2004-324.

18 COMMITTEE MEMBER MARIN: Second.

19 CHAIRPERSON PAPARIAN: Okay. It's been moved and
20 seconded. We'll substitute the previous roll call and put
21 this on consent.

22 PLASTICS RECYCLING TECHNOLOGY SECTION MANAGER

23 LEAON: Thank you.

24 CHAIRPERSON PAPARIAN: Okay. And we have one
25 more item, and then my intention is to go through this

1 item and then take a 5-minute break and then go on to the
2 DPLA items.

3 DEPUTY DIRECTOR WOHL: Okay. I believe Gary is
4 in the building, so the next Item G or Board Item 6 in
5 your book is a presentation and discussion of highlights
6 of the International Dialogue and Zero Waste Conferences
7 held in conjunction with the 2004 National Recycling
8 Congress. And if you'll remember, we sponsored this
9 conference in conjunction with the National Recycling
10 Congress. And Mike thought it would be important if we
11 kind of just showed you some of the highlights of that
12 conference. So Gary Liss is here to present.

13 MR. LISS: Thank you. We have a joint
14 presentation by Rick Anthony and myself.

15 (Thereupon an overhead presentation was
16 Presented as follows.)

17 MS. LISS: And I'm pleased to be here today and I
18 wan to highlight what these events were all about.

19 Rick.

20 MR. ANTHONY: Board Members, my name is Richard
21 Anthony. I'm on the Board of Directors of the California
22 Resource Recovery Association. The association for the
23 last 30 years has been working with the Waste Board since
24 1974 when the Waste Board was started, to deal with
25 bringing stakeholders together to talk about public

1 policy.

2 We were talking to Mike Paparian about this.

3 It's been 15 years since 939. And it's the time for, we
4 thought, a good critique of integrated waste management
5 and also to look at zero waste and see what's out there.

6 And with the help of the Waste Board and other
7 sponsors, we put together an international event that was
8 held in San Francisco and that brought in 250 people --
9 almost 250 people involved in the 3-day process, 2 days of
10 dialogue on Thursday and Friday and then a workshop on
11 Saturday in Oakland.

12 There was speakers from government, private
13 sector, NGOs and academics. And the presentation, by the
14 wonder of computers, are on our web site, all the Power
15 Points for the 2 days, which are powerful. And you'll get
16 pieces in our presentation today of some of the things we
17 learned from the speakers from all over the world.

18 --o0o--

19 MR. ANTHONY: The participants -- let's see the
20 next one would be the sponsors. We were asked by the
21 Board not to be the only ones sponsoring us. So we went
22 out and asked the community, the stakeholders and all
23 these people jumped on board. And that was enough to get
24 the job done. Gary will talk a little bit about the
25 findings.

1 --o0o--

2 MR. LISS: One of the things that we wanted to
3 highlight to you is clearly zero waste is being adopted
4 worldwide by communities, businesses. And many businesses
5 have already achieved zero waste or darn close. It's
6 creating millions of jobs. Thousands of businesses in
7 Japan alone have adopted zero emissions as goals. And
8 we're finding zero waste systems are cost competitive.

9 Key to zero waste is producer responsibility with
10 product redesign and clean production. One of the key
11 findings at the conference was that one of the main
12 drivers for most of those involved with zero waste are
13 looking at the alternatives to the human health impacts
14 from traditional incineration and land-filling techniques.
15 And one of the key things that other slides will highlight
16 is that the background levels of the environmental impacts
17 are a significant source of problems with our health.

18 So it's not just the concentration of toxics as
19 we thought in the past, but current studies are showing
20 that even at background levels pollutants are having
21 significant health impacts.

22 We recognize that zero waste needed to focus on
23 resource management not landfills and incinerators.

24 --o0o--

25 MR. LISS: And we're finding that there's a rapid

1 increase in zero waste support worldwide supported by an
2 international network here in the United States Grass
3 Roots Recycling Network. Internationally, there's a new
4 Zero Waste International Alliance. The Global Alliance
5 for Incinerator Alternatives is a major player in
6 promoting zero waste, so they have a positive message in
7 addition to fighting incineration.

8 And zero waste initiatives by communities,
9 businesses and countries around the world, there's now a
10 Zero Waste Israel, Zero Waste South Africa, there's Zero
11 Waste Yahoo Groups springing up all over the world.

12 ZWIA, the Zero Waste International Alliance now
13 has an active web site at www.zwia.org. And it has in its
14 first major significant act adopted a new definition of
15 zero waste to be clear what zero waste is and is not.

16 It also has drafted zero waste business
17 principles, based on those already adopted by the Grass
18 Roots Recycling Network, and those are pending on the web
19 site for review and comment.

20 --oOo--

21 MR. LISS: The definition of zero waste, just to
22 highlight, is a goal that are looking at designing and
23 managing products to reduce the volume and toxicity of
24 waste and materials, conserve and recover all resources
25 and not burn or bury them.

1 And in the definition we ask that implementing
2 zero waste will eliminate all discharges to land, water or
3 air that maybe a threat to planetary, human animal or
4 plant health. And in that definition, we recognize that's
5 the ideal. GRN has adopted policy that the goal is zero
6 waste or darn close. We may not achieve that ideal, but
7 we're moving in that direction.

8 Rick.

9 --o0o--

10 MR. ANTHONY: This definition was put together by
11 an international committee on Email and took about 6
12 months to tweak it out. And we're still getting
13 corrections now. The bottom line here is that we have a
14 Clean Air Act and we have a Clean Water Act and we really
15 don't have a Clean Land Act. We have rules about wasting
16 and what to do about wasting.

17 But we see in the zero-waste system approach a
18 way to deal with it. And we have the slide and it talks
19 about all of the things that are involved in the closed
20 loop. And the first one would be, of course, design for
21 the environment.

22 --o0o--

23 MR. ANTHONY: Shifting subsidies. This of course
24 is tax reform. We've got 1914 laws that allow us to sell
25 off our resources way under market price. We also

1 subsidize the depletion of our resources.

2 So along with designing and redesigning our
3 products for the environment, we need to also redesign our
4 tax system so that we save our precious resources that we
5 use a secondary material. And that involves changing some
6 of the rules. And it's time. In California it's been 15
7 years since 939.

8 Clean production would be part of it. Learning
9 how to make your product without having leakage.

10 Distribution systems, both getting recyclables
11 out to the people and getting them back.

12 Empower the consumer to buy recycled. There's a
13 product -- the producer is responsible for that product
14 with the consumer for taking it back if there's no other
15 way, or at least have dismantled processing systems.

16 And is that -- and, of course, jobs from
17 discards. These are all the elements that are part of a
18 zero-waste system's approach. And the ultimate goal would
19 be with the jobs.

20 And the example of how this works in areas in
21 Nova Scotia and Canada -- that would be the next slide.

22 --o0o--

23 MR. ANTHONY: -- shows that in cases where it was
24 a chicken or the egg or the egg that is we always wait for
25 the private sector to go first or the private sector is

1 always waiting for the government to set up the rules so
2 that everybody has a level playing field. In Nova Scotia
3 and Canada they literally picked products where they have
4 government industries that have built them up, in terms of
5 Nova Scotia, in paint and pharmaceuticals --

6 MR. LISS: British Columbia.

7 MR. ANTHONY: -- British Columbia is the
8 pharmaceuticals. They actually have -- the companies have
9 come together and taken producer responsibility to take
10 their materials back. And so this is an example of some
11 of the laws that we identified. In Asia and Taiwan
12 there's over 50 take-back laws on every product that comes
13 on that island.

14 MR. LISS: I just wanted to highlight that in
15 addition, the approach that's been taken in BC is similar
16 to what we did in California. We just stopped. They kept
17 going. We've got scrap tires. We've got some of these
18 beverage containers. We've got used oil. But they kept
19 going. And they started initially putting the
20 responsibility on government to set up the programs, much
21 like California's programs. They evolved into putting the
22 responsibility on the brand owners and have product care
23 facilities that take back products that are funded by the
24 brand owners.

25 So there's a whole new system that's put into

1 effect. And in fact the product policy project that
2 testified at the dialogue suggested that really we need to
3 shift more and more the focus so we don't keep the costs
4 increasing on local governments. We need to put the focus
5 on the brand owners to take the responsibility for their
6 products.

7 --o0o--

8 MR. ANTHONY: We're finding out in Europe and
9 Asia that they're taking it from the top, that they're
10 going to the stakeholders first and they're dealing with
11 the toxicity in the system. And they're making them
12 redesign their products. Whereas we're sort of taking it
13 from the bottom through the grass roots.

14 This is -- Gil Friend showed this on a
15 sustainability. And this is a typical business zone. The
16 gray area being wasted resources and the blue area being
17 the product from an industry. So typically 60 -- more
18 than 60 percent of what a local business takes in goes out
19 in terms of lost product. Zero waste -- yeah, I mean
20 that's why when we talk about zero waste, we talk about
21 efficiency, that's a number one piece. A guy who's buying
22 product on the front door doesn't want to see that going
23 out in the waste bins. He wants to see it in the finished
24 product.

25 --o0o--

1 MR. ANTHONY: The other piece I think we need to
2 talk about is a mistake that we -- I've been doing this
3 for 30 years and probably wrote the first versions of the
4 solid waste management plans in seventies when I was
5 working for an engineering company. We need to look at
6 all our materials as market commodities. And they
7 basically break into 11 commodities and one -- the 12th
8 one, which would be reusable materials. These can be
9 first repaired or reused and then they can be recycled at
10 the last level. But if we look at these in market
11 commodities, we'd see there's always a plus. There's
12 always a value for them. And this is the way we have to
13 do our sorting and this is the way we have to set up our
14 systems.

15 MR. LISS: The key to this idea is that you'll
16 notice there's no 13th category called other. There is no
17 such thing as waste.

18 MR. ANTHONY: Or residue.

19 MR. LISS: Or residue. There is no such thing as
20 waste.

21 --o0o--

22 MR. ANTHONY: Now, I've taken this one to Franc
23 and Holland and Vermont and nobody's called me in coming
24 up with another category that we missed out. So I think
25 it's a good deal.

1 This is another thing that we've learned and this
2 is just in our 30 years of the invention of the electron
3 microscope and knowing things in part per trillions. It
4 used to be that we had background materials, in terms of
5 understanding environmental impacts.

6 Today, it's more than that. It's the impact at
7 everyday levels. It's the levels they had before
8 accustomed to become normal levels are now background
9 levels. And what we're finding out that what you eat
10 today is passed to your children who's passed to your
11 grandchildren and that's where the mutation is going to
12 happen.

13 And what we're seeing is cases around the world
14 of people finding the same kinds of studies that things we
15 eat, things that are toxin in the environment are ending
16 up in our endocrine system. This of all topics in the
17 dialogue is the one that just totally mesmerized the
18 audience. I tried to get the speaker off and they told me
19 to go away. This is actually true.

20 --o0o--

21 MR. LISS: One of the things that zero waste
22 clearly is about is focusing on resource management. And
23 probably the most powerful presentation -- actually the
24 most appreciated presentation was this story of the
25 English Cola can. We didn't realize at the time that it's

1 actually an excerpt from a book called "Lean Thinking" by
2 Womack and Jones. And it was spotted by Didier Toque from
3 Paris, France in reading natural capitalism where it's
4 referenced by Paul Hawken and Levens.

5 It was so poignant that it really hit home the
6 whole issue of what we're doing with resources. And it's
7 a case study of the complexity of industry.

8 --o0o--

9 MR. LISS: And one of the things that it
10 highlights is that the coke can that we drink out of
11 starts with Bauxite that's mined in Australia, trucked to a
12 chemical reduction mill where a half-hour process purifies
13 each ton of Bauxite into a half ton of aluminum oxide.
14 When enough of that is stockpiled, it's loaded on a giant
15 ore carrier and sent to Sweden or Norway where
16 hydroelectric dams provide cheap electricity. After a
17 month long journey across 2 oceans, it usually sits at the
18 smelter for as long as 2 months.

19 --o0o--

20 MR. LISS: The smelter takes 2 hours to turn each
21 half ton of aluminum oxide into a quarter ton of aluminum
22 metal in ingots 10 meters long. These are cured for 2
23 weeks before being shipped to roller mills in Sweden or
24 Germany. There each ingot is heated to nearly 900 degrees
25 Fahrenheit and rolled out to a thickness of an eighth of

1 an inch. The resulting sheets are wrapped in ten-ton
2 coils, transported to a warehouse and then to a cold
3 rolling mill in the same or another country, where they
4 are rolled tenfold thinner ready for fabrication. The
5 aluminum is then sent to England.

6 --o0o--

7 MR. LISS: Again this is an English Cola can that
8 we're talking about.

9 In England the sheets are punched and formed into
10 cans, which are then washed, dried, painted with a base
11 coat, and then painted again with specific product
12 information. The cans are next lacquered, flanged,
13 sprayed inside with a protective coating to prevent the
14 cola from corroding the can and inspected. The cans are
15 palletized, forklifted and warehoused until needed. They
16 are then shipped to the bottler where they are washed and
17 cleaned once more.

18 --o0o--

19 MR. LISS: Then filled with water mixed with
20 flavored syrup, phosphorus, caffeine, and carbon dioxide
21 gas. The sugar is harvested from beet fields in France
22 and undergoes trucking, milling, refining and shipping.
23 The phosphorus comes from Idaho, where it is excavated
24 from deep open pit mines, a process that also unearths
25 cadmium and radioactive thorium. Round-the-clock, the

1 mining company uses the same amount of electricity as a
2 city of a hundred thousand people in order to reduce the
3 phosphate to food grade-quality. The Caffeine is shipped
4 from a chemical manufacturer to the syrup manufacturer in
5 England.

6 --o0o--

7 MR. LISS: The filled cans are sealed with an
8 aluminum "pop-top" lid at the rate of 1,500 cans per
9 minute, then inserted into cardboard cartons, printed with
10 matching color and promotional schemes. The cartons are
11 made of forest pulp that may have originated anywhere from
12 Sweden or Siberia to the old-growth, virgin forests of
13 British Columbia that are the home of grizzly, wolverines,
14 otters, and eagles.

15 Palletized again, the cans are shipped to a
16 regional distribution warehouse and shortly thereafter to
17 a supermarket, where a typical can is purchased within
18 three days. The consumer buys 12 ounces of the
19 phosphatetinged, caffeine-impregnated, caramel flavored
20 sugar water. Drinking the Cola takes a few minutes,
21 throwing the can away takes a second.

22 This is our society.

23 --o0o--

24 MR. ANTHONY: Imagine a French man reading this
25 his hands waiving.

1 MR. LISS: So it was incredibly powerful and
2 really drove home why resource management is talking about
3 efficiency and looking at are there things that we can do
4 as a society to do things better.

5 To do that many communities are now developing
6 plans and programs for zero waste. We heard at the
7 international dialog from Candon City Philippines where
8 they've achieved over 85 percent diversion. We heard in
9 Zero Waste Kovalam India, a typical tourist community like
10 many in California that they're working actively towards
11 zero waste in partnership with their hotel industry.

12 In San Luis Obispo, in San Francisco we heard
13 examples from California highlighting communities working
14 actively towards zero waste.

15 Nelson British Columbia provided a good example
16 of a small community of 9,300 in a rural area 9 hours
17 outside of British Columbia that recently adopted a zero
18 waste plan that it hopes will be a model for others to
19 follow real simple, but straight forward and easy
20 implement and posted on the GRM web site.

21 The Citizens Plan for Zero Waste in New York City
22 provided an example of a large community being pushed by
23 its citizenry to adopt zero waste. These are different
24 views of zero waste around the world, and they were
25 highlighted at the presentation.

1 --o0o--

2 MR. LISS: All of this talk highlighted to us
3 things that we would like to see as the Global Recycling
4 Council that the Waste Board think about in terms of next
5 steps for zero waste. And we applaud the leadership that
6 you've shown so far on zero waste and resource management.

7 The Board clearly is a leader not only in this
8 country but the world, and it's recognized as such. Its
9 web site is awesome. You're to be commended for the
10 leadership you're providing. And the inspiration that
11 you're providing to so many others around the world.

12 To continue that leadership we urge to build
13 stronger partnerships with stakeholders; to develop more
14 public awareness of the concept of zero waste, and build a
15 better understanding of the opportunities ahead; to do
16 training highlighting the successes that many businesses
17 and communities have shown to move forward with zero
18 waste; and to provide funding for local governments,
19 businesses and waste board staff and programs to help
20 implement the next generation of zero waste policies and
21 programs.

22 --o0o--

23 MR. LISS: In the area of leadership, you have a
24 great slogan, "Zero Waste, You Make It Happen". Well,
25 we're recommending how to make it happen. And one of the

1 things that the Global Recycling Council has suggested to
2 you and we urge that you do is adopt a challenge.

3 For those communities that have adopted and
4 achieved 50 percent waste reduction, waste diversion in
5 California, ask them to go forward, ask them to adopt your
6 zero waste goal. Don't require it, just ask them,
7 challenge. Leadership can be a very effective tool just
8 by asking people to do things.

9 Same with businesses, ask businesses to adopt
10 zero waste as a goal, and for both of them to begin
11 planning and developing zero waste plans.

12 We need to start building the institutional
13 process by which these zero waste ideas we've been talking
14 about for 7 or 8 years in California actually start
15 working through the planning and implementation process in
16 a more aggressive way.

17 To do that, we urge that you provide more
18 technical assistance, training and funding. Focus your
19 programs on resource management and developing the
20 infrastructure needed to implement zero waste. Develop
21 and adopt standards and policies that support zero waste
22 as a priority as defined by the Zero Waste International
23 Alliance. And support State and federal legislation that
24 will help provide that as well.

25 --o0o--

1 MR. LISS: On partnerships, who makes zero waste
2 happen as always, like in 939, it's a combination. It's
3 not just one group that can provide this. It's all of us
4 working together, local governments, businesses, not just
5 the service providers, who are tremendously important, but
6 also the generators. We need to get the generators more
7 engaged and more involved, and we need your leadership to
8 help us do that. The manufacturers and market development
9 and producer responsibility and the nonprofit
10 organizations and the NGOs.

11 We need your training. We need you to help
12 develop with us training on zero waste. We've been
13 talking zero waste, but we really -- we need to start
14 doing a boot camp. We need to really get down to the
15 details. We found that the 2 days in San Francisco and
16 the one in Oakland wasn't enough. There's so much out
17 there that people really need to get a lot more
18 information about what zero waste means in their
19 particular situation.

20 And we noted that -- GRC noted that you have
21 existing training programs for your enforcement agencies,
22 for the RMDZs, for Household Hazardous Waste. But for
23 your prime target audience, local governments, there isn't
24 a similar comprehensive training program established with
25 credentials or certification or any type of cohesive

1 long-term training strategy.

2 We need to get public and private solid waste and
3 recycling coordinators trained. We need elected officials
4 to understand the importance and the opportunities that
5 are out there if we really embrace zero waste and resource
6 management as our goals. And we want to work together to
7 help train your staff so everyone in each department of
8 your agency understands what you meant by adopting zero
9 waste and how it applies to their job.

10 Right now you've adopted the goal, but I bet the
11 permits and enforcement people may not totally understand
12 that, and other people may not totally understand that
13 within your own agency. We suggest that you need to
14 develop a training program for that.

15 To do so we suggest you set up a training
16 committee, of Waste Board staff from all the different
17 agencies that could be affected zero waste with
18 organizations that have been advocating for zero waste and
19 resource management like CRRA, the Global Recycling
20 Council, the Grass Roots Recycling Network, and the new
21 California Resource Management Training Institute chaired
22 by former Senate President David Roberti.

23 --o0o--

24 MR. LISS: On funding, we talk about lots of
25 needs for funding for local governments, businesses and

1 Waste Board programs. Often times in today's environment
2 we say there isn't any money available. We've got these
3 deficits. Well, we're suggesting that we need to look at
4 alternative ways of funding. One of the keys that we're
5 promoting from Global Recycling Council is increasing a
6 state-landfill surcharge.

7 In Alameda county they've adopted \$6 a ton by
8 citizen referendum. We're encouraging other counties to
9 adopt similar countywide landfill surcharges. We ask the
10 State to develop landfill surcharges. The Alameda
11 surcharge funds the reuse and recycling programs that have
12 made Alameda county one of the leading counties in the
13 State and the nation in implementing waste reduction
14 programs.

15 We also suggested through producer responsibility
16 programs, we can get more product-specific fees and/or
17 total responsibility by the producers. So it's off
18 balance sheet. It's not on the State's balance sheet.
19 It's not on local government's balance sheet, it's on the
20 business balance sheet and they'll pass it through in
21 their cost to the consumer. It will be pennies on the
22 consumer, and it will be tremendously well supported with
23 well thought through programs like they have done in
24 British Columbia.

25 --o0o--

1 MR. LISS: And a zero waste loan fund to build on
2 your successes with the RMDZ. That was great for market
3 development. There's many other infrastructure needs for
4 zero waste. Let's have a loan fund for all those
5 innovations as well.

6 --o0o--

7 MR. ANTHONY: So that's what you can do. But let
8 me tell that you we're not stopping. My other job is I'm
9 on the Board of Directors of the Grass Roots Recycling
10 Network, grn.org.

11 Our goal is to actually activate the grass roots
12 to make corporations responsible for their products. And
13 so GRN had a big workshop, you helped fund it, in Oakland,
14 and we came up with a bunch of issues. And key to us,
15 number one, is the plastic and packaging issue. It's a
16 health issue. It has to do with litter in the
17 environment. It also has to do with the fact that animals
18 see it as food, and it becomes passed on in the human
19 chain and it's a real problem.

20 So the PVC for the GRN is a big issue, as a toxic
21 for -- especially in pacifiers for children or IVs. And
22 along with single use packaging as we're seeing more and
23 more evidence of packaging in our waterways causing
24 problems with the kelp beds and showing up on our shores.

25 The second issue that GRN is tackling is no new

1 landfills. We think 30 years of experiment of burying
2 stuff in the ground was probably enough. It's probably
3 bad. We've got a lot of holes that we're going to have to
4 monitor in perpetuity. Let's not have -- no more new
5 landfills. Let's start talking about resource management
6 and giving these commodities back.

7 The other thing that we know that's happened that
8 with China and India in the market, the market is here.
9 We will not have issues about market volatility anymore,
10 except it's going to stay high and go up and down, but
11 it's not going to go low. The market is here.

12 The Zero Waste Communities Network is a grass
13 roots program that we're starting in cities. We recognize
14 that this is a local issue. It's a local issue all around
15 the world. That's the one thing we found in common. The
16 local governments have the responsibility of taking out
17 the garbage so to speak, and they have to pay for it.

18 So we find that there's a huge movement out
19 there, whether they're facility fighters or
20 environmentalists who want to come together, go to their
21 city councils, be part of their solid waste advisory
22 committee and change the SRREs, change the plans to talk
23 about zero waste.

24 And this -- we have at least three or four going
25 already now in just California. And GRN is going to kick

1 it off as a national movement in the next 6 months, and
2 we're looking for funding for that.

3 The other one is that we've had -- because of
4 what's happened in California, other states and other
5 groups have come to us and say you have to do the
6 training.

7 In New York where, you know, there's a big issue
8 on how to handle their waste to discards, there was
9 actually a waste plan put together by the citizens. GRN
10 will go to New York in June and we'll do a 3-day training
11 event for New York City.

12 We'll do the same thing in Vermont. We're
13 talking about working with companies, actually training
14 their employees and managers to be able to deal with zero
15 waste in their businesses. And this is pretty exciting
16 what's going on.

17 The other thing is we will producer a reader from
18 the international dialogue. It will have the white paper
19 plus the presentations, plus a lot of the abstracts that
20 didn't get into the 2 days will be part of our appendices.
21 So we'll have that.

22 And finally, GRN is moving to California, which
23 makes me happy. Of course we see California as a leader
24 in the zero waste movement and people are ready to make it
25 happen.

1 --o0o--

2 MR. ANTHONY: As far as the GRC, the Global
3 Recycling Council, is part of the California Resource
4 Recovery Association, we have technical councils for
5 various specialties, whether you're part of the composting
6 industry or the C&D industry. The Global Recycling
7 Council is for people like Gary and I who want to push the
8 agenda.

9 And there's quite a few people who think that way
10 in terms of rewriting politics and trying to build that
11 political consensus. And so GRC has dedicated ourselves
12 to help you promote the zero waste challenge. We are
13 going to help San Francisco celebrate the world
14 environmental day. We're going to work very hard in
15 developing zero waste communities in California. We
16 already have a zero waste tool kit that we had funded by
17 EPA for rural communities. We'll make that available as
18 far as their training. We're one of the innovators and
19 creators of the Sustainable Businesses Council.

20 What happened to my picture? It didn't come up.
21 We had a great picture of 200 people on the Oakland steps
22 saying if you're not in favor of zero waste how much waste
23 are you for.

24 Bottom line, we appreciate the opportunity of
25 working with the Waste Board and being able to set up this

1 dialogue. We think hundreds of people got exposed to
2 this, came to San Francisco, saw the wonderful
3 technologies that's been implemented in San Francisco.
4 Got a piece of the National Recycling Coalition, and have
5 a feeling of what's happening in California, which is the
6 leader in resource management today.

7 Thank you for your time.

8 CHAIRPERSON PAPARIAN: I'm not sure if I put an
9 enthusiasm meter over you guys or an enthusiasm meter over
10 our chair I'm not sure which meter would be higher.

11 MR. LISS: All right.

12 Actually, on the steps of the Oakland City Hall
13 getting this group picture, we used Mike's phrase he
14 introduced in his remarks before the Council. He asked,
15 "How much waste are you for" in his presentation. And the
16 people in the audience said, "Zero".

17 And he said, "I didn't hear that. How much waste
18 are you for?" And they said, "Zero".

19 And we did that on the steps. Two hundred people
20 on the steps there going up to the City Hall of Oakland,
21 and I did this chant, "How much waste are you for?" and
22 the resounding energy and enthusiasm that came out of that
23 is one of those memorable pictures that all of us will
24 take with us forever.

25 MR. ANTHONY: Everybody is smiling in the

1 picture. That's what amazing.

2 MR. LISS: Thank you.

3 CHAIRPERSON PAPARIAN: Okay. Questions,
4 comments?

5 Chair Marin.

6 COMMITTEE MEMBER MARIN: Mr. Chair, I can tell
7 you, I wasn't there, but I'm as enthusiastic as all of you
8 with this wonderful effort -- this worldwide effort. I do
9 have a couple of comments, Mr. Chair. First of all, I
10 love resource management and I hate waste management. I
11 am all for changing the name of our Board, because I don't
12 think that's what we do. I think we manage resources. I
13 think that's what we do.

14 And I had -- I was being interviewed one day by 2
15 different organizations, publications, and this particular
16 reporter kept asking, you know, in all of this waste and
17 all of that. And I said, "You know what, I have to stop
18 you, because. I am not in the business of managing waste.
19 I am managing resources."

20 The reality is that what you may consider waste,
21 you know, there is a company that looks at it as raw
22 material for their new products. And so -- and the guy
23 was like wow.

24 So I stopped. And I just felt very proud that --
25 I want to talk to everybody that I now do and tell them

1 the difference between looking at one thing as waste
2 versus looking as the raw material for new products across
3 the globe.

4 So I really applaud that. You know, I love the
5 fact that we don't have a Clean Land Act. I love that,
6 you know, because I've been saying that over and over
7 again. We have a Clean Water Act, we have a Clean Air
8 Act, and yet, you know, the land, which is one of our most
9 precious resources, you know, that's what we're in charge
10 of.

11 When I was appointed by the Governor, and I said
12 that at the very beginning, people said so what is the
13 Governor -- what did he appoint you to. I said, "Well, he
14 pointed me to protect the earth and our environment."

15 MR. LISS: Yes.

16 COMMITTEE MEMBER MARIN: So I really appreciate
17 your work that you guys do. And I espouse the beliefs
18 that you share.

19 One of the things that I would like to work on is
20 more in the single-use packaging. I think that -- and I
21 met with some plastic companies, and they were telling me
22 how they're doing everything they can so that the material
23 that they use in packaging is reused at least once. It's
24 that good, so that it doesn't become waste, if you will,
25 immediately, in that it needs to be disposed. And I think

1 we really need to work with the plastic communities to
2 ensure that those packaging materials are good enough to
3 be reused over and over again. And I don't know that we
4 have the infrastructure yet to have that.

5 But many companies, apparently, they received
6 whatever products and services in one particular package.
7 And those same materials are used, so when they finish
8 their product, they reuse it. So, in effect, that
9 material is reused already, you know, the first time out.

10 So the other thing I would like -- so this is
11 where those companies need your help and they need your
12 support, more so than even the Board. I think that you
13 know how to get that done. So your expertise and maybe
14 Mr. Chair we -- I know that Gary is here all the time with
15 the plastics people and so forth. But to really further
16 or strengthen that relationship instead of being in an
17 adversarial position, that it is a complementary position.
18 And so I think that we can foster that, Mr. Chair.

19 And I do have to tell you this and I don't think
20 John is here, but he came with zero waste. I don't know
21 if you've heard about his slogan for our board. "Zero
22 waste. Thanks for nothing."

23 (Laughter.)

24 COMMITTEE MEMBER MARIN: So I thought that was
25 extremely clever. He's a brilliant person. And so I

1 would like to use that, you know, "Thanks for nothing.

2 And last but not least -- let me see what was the
3 last one I needed to -- I appreciate the fact that you
4 guys do not want anymore landfills. I appreciate that. I
5 don't know how -- and I think it's a good goal to strive
6 for. But we would need your help on the other side, which
7 if we're not going to have landfills, we also need to work
8 to develop the technologies. And I know that some of you
9 may have a problem with conversion technologies. But this
10 is where we need your technical assistance, expertise and
11 support.

12 If we are going to develop -- if we're not going
13 to have the landfills, then the instead, you know, really
14 necessitates us to come up with something else. And
15 while -- believe me, I am really supportive of trying to
16 reduce, reuse and recycle. Up until the time that we have
17 zero waste, we need to do something else with what is left
18 over.

19 And I am asking your expertise and to complement
20 the efforts so that we move forward with conversion
21 technologies. You know, whatever your expertise is out
22 there, you know, we're asking for the world. And it's
23 okay to try to achieve that. But, you know, we can't be
24 against landfills and then be against technologies that
25 are going to reduce the need for the landfills.

1 So help us with that. And I don't mean to put
2 you on the spot, I think I just did, but work with us.

3 MR. LISS: If I may, Mike. I have just a brief
4 comment on that last comment.

5 First of all, no new landfills is about
6 conserving what we've got. Recognizing that we've got a
7 lot of landfill space. In fact, the crisis of the
8 eighties which formed AB 939, and all of the Integrated
9 Waste Management Board efforts, was solved. It was a
10 crisis of capacity that we thought we were running out of
11 landfill space.

12 You solved that crisis with the implementation of
13 AB 939. So we no longer have a landfill crisis. And with
14 the advent of rail haul, we've got a lot more
15 opportunities beyond our wildest imagination of the
16 eighties.

17 So we don't need new landfills. What we need is
18 to conserve the landfills we have, regulate them and
19 improve them as best as possible. So no new landfills
20 isn't stopping landfills completely today, because we are
21 pragmatists, believe it or not.

22 COMMITTEE MEMBER MARIN: So am I.

23 (Laughter.)

24 MR. LISS: But it's about how do we conserve and
25 make the existing landfills we have the best possible and

1 not take new land for new landfills.

2 On the conversion technologies, if it hasn't been
3 clear in our testimony, the environmental community
4 supports new technologies. The only question is which are
5 good and which are bad. We favor biological systems
6 biochemical systems, not thermochemical systems. High
7 temperature systems --

8 COMMITTEE MEMBER MARIN: Not even thermal
9 recycling?

10 MR. LISS: Actually, that's one of the gray areas
11 that you'll find environmental communities split on. But
12 it's a good example the biomass to energy supports our
13 composting system in California. And CRRRA for a long --
14 since 1989 has supported biomass even though it's opposed
15 to incineration. So there's all sorts of gray areas,
16 which is why you have jobs to help sort those out, but
17 what we recommend is biological.

18 MR. ANTHONY: My point is I worked for 30 years
19 for county government at the end of the pipe trying to
20 deal with this stuff. Both Gary and I are on record as
21 siting the first 2 double-lined landfills in California in
22 19 -- in the late eighties. I have that on my -- I still
23 apologize for that now.

24 If I had my way, I would go back to the old
25 public health system where the government had the

1 responsibility of collecting the organic material, whether
2 it's food, yard waste and paper, and then compost that and
3 we have the biggest agricultural area in the world in the
4 central valley that needs this stuff, I would develop a
5 system for that.

6 And I think the problem we have right now is that
7 in cities that I work to, that want to get to zero waste,
8 one of the impediments is how do you get a full blown
9 composting facility on top of your landfill. I'd like to
10 work with you on that.

11 COMMITTEE MEMBER MARIN: Yes. And that's the
12 main thing Mr. Mayor --

13 (Laughter.)

14 COMMITTEE MEMBER MARIN: I just elected you mayor
15 of this committee, how's that.

16 (Laughter.)

17 COMMITTEE MEMBER MARIN: Well, we were talking
18 about cities, you know.

19 The last thing that I want to tell you is how
20 excited I get about this particular position that I now
21 hold, because when -- I've been at the local and State and
22 at the federal level. And oftentimes we deal with issues
23 that everybody just basically gives -- you know, throws
24 their hands up, like "Oh, well, there's nothing that I can
25 do." When you talk about education problems, "Oh, well,

1 there's nothing that I can do."

2 Oh, health questions, you know, at the national
3 level, "Well there's nothing that I can do."

4 When I tell people, you know, and where there's
5 young children or adults or senior citizens, you know, in
6 this particular area, what's so amazing to me and so
7 exciting is that here everyone can do something, everyone.
8 You know, and you can do something to protect your new
9 environment. You can recycle. So I'm excited about that.

10 So I just want to tell you, that I tell everyone,
11 you are responsible and you can. This is something where
12 you really can make a difference in what you do and how
13 you handle your resources.

14 So I only talk about resources.

15 Thank you, Mr. Chairman.

16 CHAIRPERSON PAPARIAN: Thank you.

17 Board Member Mulé.

18 COMMITTEE MEMBER MULÉ: Thank you, Mr. Chair. I,
19 too, want to thank you for the work that you've done with
20 zero waste. And we're going to need your help also in
21 better defining zero waste, and moving forward with that
22 whole agenda. Because what I'm discovering out there is
23 that there seems to be confusion as to what is zero waste.

24 We've had many discussions here in the office
25 internally. Some people think zero waste is not creating

1 it in the first place. And I think that -- and as we are
2 developing our web site and our own philosophy of what is
3 zero waste, I mean we're coming to the conclusion that
4 it's managing the resources, really. That's what we're
5 about, as Chairwoman Marin says, this is about managing
6 resources.

7 And I do want to mention publicly that I did
8 attend a workshop that Gary and Rick were at the Resource
9 Management Institute, their first of many workshops, on
10 managing resources. It was, what, October 21st I believe
11 down in Los Angeles. And I did speak with Senator
12 Roberti, and I do know that they are planning another one
13 in the Corona area in February.

14 So the exciting thing is that the local
15 governments and the local communities are also -- so it's
16 coming from the ground up as well, which is so important
17 that we have that support from the local communities and
18 that they're catching on to this concept as well.

19 So, again, thanks for all your work and thanks
20 for the presentation today.

21 CHAIRPERSON PAPARIAN: And then I want to add a
22 few things. I mean, there's a -- somebody could probably
23 do a Ph.D. dissertation on the concept of zero. You know,
24 I think a lot of companies have started looking at zero in
25 various ways. And their first response is always, "Oh, my

1 gosh. That can never happen." You're just completely
2 insane. And then, you know, it works its way into the
3 mainstream, and then they actually have a goal and they
4 actually work to achieve it.

5 I'm thinking of things like zero defects. You
6 know I our car industry, you know, when people first
7 started talking about zero defects they were like, you
8 know, you're just from the moon. But they adopted that
9 and they tried to get closer and closer to it. And I can
10 tell you my car that I have today with 92,000 miles on it,
11 you know, 25 years ago that just didn't happen with
12 American cars. And it's happening today and, you know, 0
13 lost time on the job and other things like that.

14 There were a few things on the presentation -- I
15 mean the presentation was just fabulous. Thank you so
16 much. And I think, you know, the idea that for a lot of
17 companies, you know, having to waste 60 percent of the
18 resources coming in the door. You know, I know that the
19 companies that have looked at this, you know, the first
20 they scratched their head and said, "Oh, my gosh. We
21 can't do anything about that. We've always done it that
22 way."

23 When they really get down to it, they can cut
24 that down very substantially. And we've seen some places
25 in California. I know RICO one of the people we're giving

1 an award to in a few weeks has really worked to reduce
2 their waste. The Bentley Print Street folks that make
3 carpet down in the City of Industry, fabulous job of
4 reducing their waste just about to 0. They actually have
5 their employees go dumpster diving to make sure that
6 there's nothing in there that they could have found some
7 use for.

8 The training ideas I think we'll need to follow
9 up on that both for our staff and to see what we can do to
10 encourage some consistency in what recycling coordinates
11 around the state have in their background. I know that a
12 lot of times in local governments, probably more often
13 than not, the poor person who does something else is
14 suddenly plucked into the recycling position, and they
15 don't know where to start. You know, and maybe there's
16 some things we could do to help them.

17 GRRN moving their offices to California, I
18 didn't -- that's good news. At least somebody is moving
19 to California.

20 (Laughter).

21 CHAIRPERSON PAPARIAN: Maybe we can get the
22 Governor to go graduate them.

23 MR. LISS: Perfect. Let's have an event.

24 CHAIRPERSON PAPARIAN: Then finally, you guys are
25 great. We love your presentation. I also want to

1 recognize Bill Orr, from our staff, who has done just a
2 great job helping facilitate our role in this dialogue on
3 zero waste in the participation in the events in San
4 Francisco and Oakland in helping facilitate the
5 presentation today.

6 As you might imagine, Gary and Rick we love you,
7 but you know, I think you could have gone on three or four
8 days, perhaps three or four weeks. And I know working
9 with Bill he helped you focus the presentation. And I
10 think we all appreciate that and got a lot out of it.

11 COMMITTEE MEMBER MARIN: It was a zero waste
12 presentation.

13 (Laughter.)

14 COMMITTEE MEMBER MARIN: There was no waste in
15 it.

16 MR. LISS: We apologize for not mentioning Bill
17 earlier. He was fabulous to work with and did try to keep
18 us focused, and we appreciate that.

19 CHAIRPERSON PAPARIAN: Thank you very much.

20 MR. LISS: Thanks for nothing.

21 (Laughter.)

22 CHAIRPERSON PAPARIAN: We'll take a 5 minute
23 break, and come back at 11:15.

24 (Thereupon a recess was taken.)

25 CHAIRPERSON PAPARIAN: Okay. We'll get started

1 again.

2 Any ex partes?

3 Board Member Mulé go ahead.

4 COMMITTEE MEMBER MULÉ: I spoke with the City of
5 San Diego, Elmer -- and I can't think of his last name.

6 CHAIRPERSON PAPARIAN: A representative of the
7 City of San Diego. I said hi to him as well.

8 COMMITTEE MEMBER MARIN: I did too. It was just
9 hi. Although, I did tell him that we're rejecting his
10 item.

11 (Laughter.)

12 COMMITTEE MEMBER MARIN: I'm kidding.

13 CHAIRPERSON PAPARIAN: We're on the record.

14 Okay, Mr. Schiavo.

15 DEPUTY DIRECTOR SCHIAVO: Yes. Pat Schiavo,
16 Diversion, Planning and Local Assistance Division. I'll
17 be real brief. This month we experienced workshop fever.
18 We had 3 workshops, 2 last week dealing with alternative
19 measurement methodologies. One in Long Beach, we had 64
20 people. And then one in Sacramento, we had 42 people. So
21 proportionately they worked out real well.

22 We're taking the information and compiling it and
23 then we're going to submit it out to interested parties.
24 And this will hopefully culminate with an agenda item
25 probably March is what we anticipate.

1 Okay, and then finally January 7th Mariposa
2 County is going to be having a grand opening, ground
3 breaking ceremony for their new in-vessel -- large scale
4 in-vessel composting facility. You'll be receiving
5 invitations in the mail for next week, so keep January 7th
6 blocked out on your calendars for that. That should be a
7 real excellent event.

8 So that concludes my brief comments. We'll go
9 ahead and start with the items. Item I will be staff's
10 report of large venues and events Waste Diversion Program
11 and Chris Schmidle will go ahead and present that item.

12 (Thereupon an overhead presentation was
13 Presented as follows.)

14 DEPUTY DIRECTOR SCHIAVO: We've got a slide show
15 here and it's Item 7, I.

16 MS. SCHMIDLE: Okay. Good morning, chair and
17 board members. I'm Chris Schmidle, a staff member working
18 on increasing waste reduction and recycling at large
19 venues and events, such as stadiums, convention centers,
20 fair grounds and festivals.

21 --o0o--

22 MS. SCHMIDLE: Board staff have been working on
23 this issue for years as a special project. Some of our
24 outreach activities so far include developing an
25 information web site dedicated to the waste materials and

1 methods of the venues industry with over 50 pages of
2 diversion advice, case studies and resource links.

3 Coordinating with the California Resource
4 Recovery Association in developing the first professional
5 association for pier-to-pier assistance in venues waste
6 reduction.

7 The venues and special events recycling council
8 has an interested parties mailing list of over 200
9 members. We've participated in 6 professional education
10 workshops around the State for the venues industry and
11 local government personnel. And to ground test our
12 advice, we have participated in pilot waste reduction
13 projects at 3 sites and audited award winning venue waste
14 reduction efforts around the State.

15 In doing our work, we've coordinated closely with
16 other board divisions, the Department of Conservation, and
17 nonprofit environmental groups.

18 --o0o--

19 MS. SCHMIDLE: The Board is now being tasked with
20 additional waste reduction duties. At the end of
21 September, the Governor signed a new law, AB 2176. The
22 Act is meant to encourage operators of large venues and
23 events statewide to design for waste reduction when
24 building and upgrading their facilities, to set goals for
25 waste reduction in their venue and event operations, to

1 develop partnerships for materials reuse with community
2 groups, to renegotiate waste handling contracts to promote
3 recycling, and to renegotiate the purchasing contracts to
4 select recycle content and recyclable materials.

5 While the planning and reporting provisions of
6 the Act are aimed at the largest 10 percent of the venues,
7 which we estimate generate about 50 percent of the
8 industry's waste, all venues and events will receive
9 education materials about waste reduction.

10 --o0o--

11 MS. SCHMIDLE: The Act defines large venues as
12 those with more than an annual average of 2000 attendees
13 and employees on site per day of operation. Large events
14 are those that charge an admission and have an average of
15 2,000 attendees and employees per day of the event.

16 Under the Act, the Board has been given the
17 responsibilities to jurisdictions, venues and the
18 Legislature.

19 --o0o--

20 MS. SCHMIDLE: For local governments, the Board
21 must consult with representatives of cities, counties, the
22 waste industry and the venues industry in developing a
23 voluntary model local ordinance for recycling at venues
24 and events. The Board will also develop how-to waste
25 reduction information that local governments must

1 distribute to large venues and events when they apply for
2 local facility use and activity permits.

3 Each city and county must track the waste
4 reduction performance of the largest venues and events and
5 report these results to the Board. Board staff will
6 update the jurisdiction annual report system to
7 accommodate this information and develop model reporting
8 forms for the jurisdictions.

9 --o0o--

10 MS. SCHMIDLE: To assist venues and events, the
11 Board must develop additional education materials for
12 venue and event managers and workers. The materials will
13 be placed on the Board's web site and used in outreach
14 workshops. Board staff will also develop recycling
15 program reporting forms for the venues and events to make
16 sure the proper information gets reported to the Board.

17 --o0o--

18 MS. SCHMIDLE: The Board will use the waste
19 reduction results collected from the largest venues and
20 events to prepare performance reports to the Legislature.
21 If more than 75 percent of the targeted venues and events
22 do not implement programs, the Board will also make
23 recommendations for additional enforcement legislation.

24 --o0o--

25 MS. SCHMIDLE: This spring Board staff will be

1 concentrating on educating jurisdictions and the venues
2 industry about the new law in developing specific tools to
3 meet the requirements of the Act, such as the local
4 recycling ordinances, training documents, and
5 infrastructure for the annual reporting system. Staff
6 will also be reporting back to the Board about progress in
7 meeting the requirements of this Act.

8 That's the end of my presentation. Do you have
9 any questions about the program or our proposed actions?

10 CHAIRPERSON PAPARIAN: You know I attended the
11 workshop yesterday on food waste diversion, you know,
12 which was a real shining example of the types of things
13 that are our staff is working on. And in fact, you know,
14 a lot of localities and venues are putting a lot of
15 resource and effort into that.

16 Very, very good thing.

17 Chair Marin.

18 COMMITTEE MEMBER MARIN: Mr. Chairman, one of the
19 things that I really think that we need to do is have the
20 State set the example. So to the degree that there are
21 conferences or events that the State sponsors, that we
22 work with those departments and we take a proactive
23 approach. You know, instead of coming the day before the
24 conference and/or the day of the event, you know, that we
25 take this very proactive measure, especially in light of

1 the fact that the Governor signed this particular law.

2 That we make the State become the model for how
3 events throughout -- that are sponsored by the State
4 really have the most diversion, if you will, or the most
5 recyclable items or -- what would you call it -- all of
6 the trying to reduce the waste that is produced at these
7 event.

8 CHAIRPERSON PAPARIAN: So they can get to zero.

9 COMMITTEE MEMBER MARIN: That they get to zero
10 waste or darn close to it.

11 And by the same token, I think we attended a
12 wonderful conference -- the women's conference -- it would
13 be my real desire to go to the Governor's office and say
14 for the next women's conference, this is what we would be
15 willing to do, you know, and provide the assistance and --
16 you know, but we need to do that now, because I can tell
17 you they're already planning the next women's conference.
18 This is something that happens every year. And when you
19 have 10,000 women out there, we need to be the leaders.
20 We need to set the example.

21 But that's true for any other -- you know, we
22 can't go and ask jurisdictions to do something that we are
23 unwilling or unable to do. I think we need to lead by
24 example, Mr. Chair.

25 CHAIRPERSON PAPARIAN: Very good point.

1 Board Member Mulé.

2 COMMITTEE MEMBER MULÉ: Thank you, Mr. Chair.

3 I just want to make a brief comment here. I
4 think staff has done an outstanding job of working with
5 the local jurisdictions on a number of these programs. I
6 know that you worked very closely with the City of Indian
7 Wells on the tennis tournament program. And I know that
8 there were lessons learned by all in that process.

9 And I just want to say that I think one of the
10 most valuable things that we can do as board and board
11 staff is provide the assistance to the local jurisdictions
12 throughout this process, and help them with some of
13 those -- you know, how-to type of activities and share
14 with them the successes that have already occurred, I
15 think, because that really helps build their confidence in
16 what they can do in their cities and counties.

17 And so that's one thing. I think, if there's one
18 thing that we can do is provide that technical assistance
19 and knowledge from the experience we've already had.

20 So thank you.

21 CHAIRPERSON PAPARIAN: Good job.

22 DEPUTY DIRECTOR SCHIAVO: Okay. Based on popular
23 demand by audience members, I'd like to request, if we
24 could hear, Items S first and then R. And these both tie
25 to the zero waste theme. S is dealing with the

1 characterization study and then R is the Desert Sands
2 program composting.

3 Again, I had a request from audience members and
4 then we'll go back to J.

5 So Item S will be presented by Nancy Carr and
6 this is results of the 2003 Characterization Studies.

7 (Thereupon an overhead presentation was
8 Presented as follows.)

9 CHAIRPERSON PAPARIAN: Just to be clear, we're
10 getting a very brief overview for the Committee and then
11 you're planning at the full board meeting to bring the
12 contractor in and do little bit more.

13 COMMITTEE MEMBER MARIN: At the next board
14 meeting.

15 CHAIRPERSON PAPARIAN: This next week.

16 DEPUTY DIRECTOR SCHIAVO: Charlie Scott from
17 Cascadia Consulting will be here.

18 MS. CARR: Good morning, Chairman Paparian and
19 committee members. My name is Nancy Carr and I'm here to
20 tell you about the results of the 2003 Statewide Disposed
21 Waste Characterization Study.

22 --oOo--

23 MS. CARR: First a little background. This was
24 the second study -- second statewide study done by the
25 Board. And the first one was done in 1999. Data was

1 gathered on the types and quantities of materials still
2 being disposed in California's waste stream for the
3 overall waste stream as well as for 3 distinct sectors,
4 the residential, commercial and self-hauled waste sectors.

5 The overall tonnage amount disposed by each
6 sector was estimated. And also specific data for Rigid
7 Plastic Packaging Containers was obtained. Also, for the
8 first time, the Department of Conservation, Division of
9 Recycling contributed to the study so that we could obtain
10 specific data on CRV containers disposed.

11 The budget for the study was a little under
12 \$300,000, and this does not include \$24,000 contributed by
13 DOR for the CRV portion of the study.

14 --o0o--

15 MS. CARR: Here are the estimated contributions
16 of each sector to the overall waste stream for 2003. The
17 commercial sector accounts for about 47 percent of the
18 overall waste stream. The residential sector contributes
19 about 32 percent, most of which is from single family
20 sources.

21 The self-haul sector is about 21 percent of the
22 waste stream, and most of that comes from commercial
23 self-hauled sources. This data is important because each
24 sector has its own characteristics that influence the
25 overall waste stream. And I'll talk a little bit more

1 about that in a minute.

2 --o0o--

3 MS. CARR: One of the main objectives of the
4 study was to see what are the main types of materials
5 still in the waste stream. The top individual material
6 type disposed was food waste and number 2 was lumber,
7 which includes pallets.

8 --o0o--

9 MS. CARR: The number 4 individual material type
10 disposed was cardboard. I liked this picture because the
11 cardboard kind of trails off into the distance sort of in
12 a never-ending line, which is what we see out there in the
13 field.

14 --o0o--

15 MS. CARR: This slide shows the overall
16 composition according to the major material categories.
17 And these categories include the types that I just talked
18 about. For example, the number one type, as I mentioned
19 is food, and that shows up in the organic category.

20 The number 2 type is lumber, which is included in
21 C&D. And the number 4 type, cardboard, shows up in the
22 paper category. So those 3 categories paper, organic, and
23 C&D are by far the biggest pieces of the pie.

24 --o0o--

25 MS. CARR: Well, since this is our second

1 statewide study, can we tell if the waste stream has
2 changed over the last 4 years? Well, when comparing the 2
3 studies from 1999 and 2003, I think we need to keep one
4 word in mind and that word is caution.

5 --o0o--

6 MS. CARR: Several factors have influenced the
7 results of each study, so that direct comparisons need to
8 be made carefully.

9 In the 1999 study, the emphasis was on the
10 commercial sector, and samples of waste were taken
11 directly from dumpsters at business sites. This allowed
12 for a much more detailed characterization of commercial
13 waste.

14 In 2003, due to budget constraints, commercial
15 sectors samples were taken from waste hauling vehicles at
16 disposal sites, so different methods were used.

17 In both studies facilities were selected randomly
18 and a different set of facilities was used each year. The
19 type of vehicles and sources of waste going to each
20 facility varies hugely around the state. And the nature
21 of the waste coming into the facilities varies. And also
22 the waste stream in each facility can change over time.

23 --o0o--

24 MS. CARR: Here is a comparison of sector
25 percents between 1999 and 2003. The commercial sector

1 stayed about the same at a little under 50 percent. The
2 residential sector was about 38 percent in 1999 and about
3 32 percent in 2003.

4 The self-hauled sector was about 13 percent in
5 1999 and about 21 percent in 2003. So comparing the 2 pie
6 charts seems to show a pretty substantial increase in
7 self-hauled waste and a corresponding decrease in
8 residential waste. But, again, I think we need to be a
9 little bit cautious in this comparison.

10 As I mentioned, we randomly selected disposal
11 facilities as sampling sites. And there's a wide
12 variation among facilities for the amounts of waste coming
13 into the gate from each sector.

14 For example, for the facilities used in 2003, the
15 amount of residential waste ranged from 10 percent coming
16 in the gate at one facility up to 49 percent at another
17 facility. And the amount of self-hauled waste ranged from
18 4 percent at one facility up to 66 percent at another
19 facility. So the individual facilities that happen to be
20 chosen in each year can have an influence on the resulting
21 data.

22 Other local studies in California and in some
23 other states showed a general trend. Commercial waste was
24 a little under 50 percent, residential was about 34, and
25 the self-hauled sector was about 20 percent. So when

1 compared with these other studies, the 2003 data is more
2 consistent with what others found in their studies.

3 So it could be that self-hauled waste was
4 under-counted in 1999. So the increase that shows up in
5 the pies may not be quite as big as it looks.

6 --o0o--

7 MS. CARR: There are also variables that
8 influence the composition data. As I mentioned, we
9 focused on generator sampling for the commercial sector in
10 1999. In 2003, we sampled more commercial drop boxes as
11 they came into disposal facilities, and that's just the
12 nature of how we did the 2 studies.

13 So this influences the commercial sector
14 composition, because now we've captured more C&D materials
15 because those tend to be in the drop boxes coming in the
16 gate.

17 Since the commercial sector is almost 50 percent
18 of the waste stream, this has a big influence in the
19 overall composition for the statewide waste stream.

20 Also, since the self-haul waste was a bigger
21 piece of the pie in 2003, it was weighted more heavily.
22 And this sector has a lot of C&D waste, so that also can
23 have a big influence on the overall composition.

24 --o0o--

25 MS. CARR: This chart shows the comparison of the

1 major material Categories or pie slices, if you will,
2 between 1999 and 2003. So for both studies, the 3 main
3 material categories are the same paper, organics and C&D,
4 but their proportions have changed.

5 Paper went from about 30 percent in 1999 to about
6 21 percent in 2003. Metal increased from about 6 percent
7 to about 9 percent. Organics went from about 35 percent
8 to about 30 percent. C&D increased from about 12 percent
9 to about 22 percent. And glass and plastics stayed about
10 the same.

11 Again, as I mentioned, this composition data can
12 be influenced by the method. For example, capturing more
13 drop boxes with more C&D waste in the commercial sector.
14 So this could be a factor influencing that overall
15 increase in C&D between the 2 studies that we see on the
16 chart.

17 And also getting back to the sector percents,
18 self-hauled waste was weighted more greatly in 2003. And
19 this sector only has about 7 percent paper, but about 55
20 percent C&D. So that could have an influence in this
21 overall composition also.

22 --o0o--

23 MS. CARR: Even with the differences between the
24 2 studies, a lot of the characteristics of the waste
25 stream are the same between the 2 years. The main

1 material category stayed the same, but also the top 10
2 individual material types are about the same. And
3 remember paper is the category, cardboard would be the
4 type included in that category, for example.

5 So this table shows the top 10 individual
6 materials in the state's overall waste stream in 1999 and
7 2003. So let's look at the 2003 table for a minute, the
8 table on the right.

9 Food is the number one material at about 15
10 percent. Followed by lumber at about 10 percent. Next is
11 remainder composite organics, and that includes carpet,
12 and this was the first time we've called out carpet
13 separately. And about a third of the remainder composite
14 organics category is carpet.

15 Next is number 4 cardboard at about 6 percent.
16 Then remainder composite paper also about 6 percent. And
17 this tends to be the less recoverable paper, such as
18 contaminated paper. Film plastic is next at about 4.
19 Leaves and grass also about 4 percent. Then remainder
20 composite metal. Remainder composite C&D and other
21 miscellaneous paper.

22 So when we compare the 2 studies, 8 of the top 10
23 materials are the same. And they're kind of color coded
24 between the 2 carts so you can see where they are and
25 where they fall in each list. And the ones that are white

1 are the ones that don't match up between the 2 lists.

2 So the positions of the material types have
3 changed between the 2 years, but they're pretty
4 consistent. And as you can see, there's still a lot of
5 readily recoverable materials being disposed in
6 substantial amounts in California's landfills, such as
7 lumber, cardboard and leaves and grass.

8 --oOo--

9 MS. CARR: Well, 2 aspects of the study that may
10 have caught your attention are the construction and
11 demolition waste and the self-hauled waste stream. And
12 we've already started on the next characterization study,
13 which is actually a combination of 4 targeted studies and
14 each one is looking at a specific part of the waste
15 stream. We're doing a detailed study on construction and
16 demolition as its own waste stream, a detailed study on
17 the non-C&D self-hauled and drop-box waste stream.

18 We're also doing a generator study for the
19 commercial sector looking at the top 10 major commercial
20 generators, and for the first time we're going to be
21 characterizing the disposed waste and the diverted waste
22 from those generators. And finally we're going to be
23 characterizing residuals from material recovery
24 facilities.

25 And field work, on the C&D and self-haul study

1 it's happening as we speak. There's a crew at a facility
2 in southern California today and they will be in northern
3 California next week. So the field work for all the
4 studies will be occurring this winter and over next
5 summer. And the final report should be ready by the end
6 of 2005.

7 --o0o--

8 MS. CARR: This concludes my presentation. Are
9 there any questions?

10 CHAIRPERSON PAPARIAN: Let me just ask the
11 broader study with a lot of the details.

12 MS. CARR: The what, excuse me?

13 CHAIRPERSON PAPARIAN: The bigger report with a
14 lot of the details, you were mentioning some of the
15 details about components of the food waste or components
16 of the various waste streams.

17 MS. CARR: Um-hmm.

18 CHAIRPERSON PAPARIAN: Will that be available on
19 the web site before the Board meeting for people to look
20 at?

21 MS. CARR: The report is still being edited by
22 the Public Affairs office, mainly because of formatting
23 changes when we upgraded the computer system it kind of
24 messed up some of the formatting. So that's still being
25 worked on. But then the entire report will be posted on

1 the publications page.

2 CHAIRPERSON PAPARIAN: Will people have a chance
3 to back the it before the Board meeting?

4 DEPUTY DIRECTOR SCHIAVO: What about the summary?

5 MS. CARR: We have the executive summary that
6 would have a table of -- we could post the overall
7 composition for all of the 64 material types in detail.
8 The pie chart I showed, we have that for the 3 distinct
9 sectors as well as the overall. And we have tables for
10 each sector as well as the overall.

11 CHAIRPERSON PAPARIAN: I think if we could at
12 least post those, I think a lot of people, you know --
13 many beyond Mr. Cupps will appreciate having access to
14 some of that information to take a look at before we have
15 the presentation.

16 MS. CARR: Okay.

17 CHAIRPERSON PAPARIAN: Board Member Mulé.

18 COMMITTEE MEMBER MULÉ: Thank you, Mr. Chair. I
19 do have a question on the 10 most prevalent material
20 types. You list film plastics, is there a reason why we
21 listed film plastics and not all plastics?

22 MS. CARR: Because in 1999 we didn't -- as
23 compared to all plastics?

24 COMMITTEE MEMBER MULÉ: In the chart you have
25 film plastics. And I don't know if we can go back to that

1 on --

2 MS. CARR: Yeah, film is the individual material
3 type that's included under the more general category of
4 plastics. So that top 10 is there's 64 individual
5 material types that kind of are divvied up amongst about
6 10 categories. So film is the type and plastic would be
7 the category, so some of the charts show the individual
8 and some show the --

9 COMMITTEE MEMBER MULÉ: I'm just curious. I
10 guess I would just like information on other types of
11 plastics as well.

12 DEPUTY DIRECTOR SCHIAVO: Yeah. The summary
13 report will. This table again was the top ones. And so
14 when you get the summary table, that's going to list all
15 of them broken down into detail, so yes.

16 COMMITTEE MEMBER MULÉ: That would be very --

17 MS. CARR: The summary table is going to look
18 like this. So it's 64 types. I was trying to, you know,
19 not overwhelm you with too many numbers.

20 COMMITTEE MEMBER MULÉ: That's okay. This is
21 important work that we're doing. So I welcome all
22 information.

23 MS. CARR: It just doesn't break out very well.

24 DEPUTY DIRECTOR SCHIAVO: Yeah, today was just a
25 summary of what you'll see for next week and what we

1 originally intended is to have the big presentation at the
2 Board meeting and then this is just a briefing of that
3 bigger presentation.

4 COMMITTEE MEMBER MULÉ: Okay. Thank you. And
5 then the other question I had very quickly was, I think,
6 Chairperson Paparian and I winced when we saw the increase
7 in metals. And, again, I'm assuming that's because of the
8 C&D, the fact that we pulled more drop boxes as opposed to
9 -- you know, it sounds like we were focusing on C&D type
10 of boxes.

11 MS. CARR: We captured more of that. And in the
12 drop boxes you also have things like large appliances and
13 that's where the biggest increase was it was in large
14 appliances.

15 COMMITTEE MEMBER MULÉ: Because again I think
16 it's very important, and I thank you for making that
17 distinction on how we conducted this study as opposed to
18 how we conducted the study in 1999, because obviously
19 differences are pretty significant.

20 Thank you.

21 CHAIRPERSON PAPARIAN: Board Member Marin.

22 COMMITTEE MEMBER MARIN: Mr. Chair, one of the
23 questions that -- without having been here when the first
24 study was done and certainly without giving the criteria
25 for the second study, I ponder why the difference?

1 Because this would, it seems to me, for those industries
2 that saw an increase in the proportions of their items
3 going into the waste stream, they would probably become
4 defensive and somewhat probably challenge that in fact is
5 not being -- have you heard any -- or is this out so that
6 anybody would question or challenge our results yet?

7 MS. CARR: The only information that's been out
8 before today was for film plastics, because of a meeting
9 that was had there.

10 COMMITTEE MEMBER MARIN: Because people will say
11 that you're comparing apples to oranges. And so I need to
12 understand -- and we don't have to do it right now, but I
13 will need to understand specifically why is it that we
14 changed the criteria, if you will? Why did we select to
15 report it differently or look at differently?

16 DEPUTY DIRECTOR SCHIAVO: Just a real brief
17 response and it has to focus on resources. When we did
18 the original study in 1999, we had a lot more resources
19 available, so a lot more money went into the study. And
20 we also had more staff availability, so we had more
21 in-kind support.

22 This study was less than half the cost with less
23 staff resources dedicated to it. So we did what we had to
24 do to try to get it completed.

25 The material types themselves again are pretty

1 much in parody, so that part -- the major difference was
2 the sectors that really was revealing. But the material
3 types themselves were pretty close.

4 COMMITTEE MEMBER MARIN: Well, except for --
5 let's see which -- this one I can't read. C&D of course.
6 The percentage difference is significant as opposed to
7 1999.

8 I would just brace ourselves for some challenges
9 to the way that, you know -- I would suspect people would
10 say you're comparing apples to oranges. And if that's our
11 best answer, then that is our best answer. But I would
12 suspect somebody will challenge us.

13 CHAIRPERSON PAPARIAN: Thank you. One of the
14 things that strikes me is how recyclable the top items
15 are. It will give us a lot of stuff to look at over the
16 next few years to target some of our programs to try to
17 get more and more out of the landfills.

18 What we looked at in the study, the percentages
19 are based on weight. Did we look at volume also? Was
20 there --

21 MS. CARR: No.

22 CHAIRPERSON PAPARIAN: No. Okay. There's
23 different ways to look at volume. But I know that for
24 some of the facilities, that's maybe an issue, the volume
25 of space taken up in the landfill in addition to the

1 weight the material coming in.

2 Anything else? We'll hear more next week and
3 we'll get some of those summaries.

4 DEPUTY DIRECTOR SCHIAVO: The next item is Item
5 R, and this is a discussion of the Desert Sands Unified
6 School Districts Environmental Ambassador Program.

7 And Melissa Vargas will present this item.

8 (Thereupon an overhead presentation was
9 Presented as follows.)

10 MS. VARGAS: Desert Sands Unified School District
11 is one of the Board's 6 environmental ambassador grantees.
12 These grants were awarded for the purpose of increasing
13 the presence of resource management programs, such as
14 waste prevention, recycling, composting and other resource
15 conservation programs in school districts statewide as
16 part of Senate Bill 373.

17 The grants are in the final implementation year
18 of the 2-year grant process. This presentation is an
19 overview of the diversion program efforts.

20 --o0o--

21 MS. VARGAS: The first step of the grant was to
22 find out where they were with regard to the waste
23 reduction programs. This process included conducting a
24 districtwide waste assessment to identify source reduction
25 and recycling programs that are currently implemented, as

1 well as potential new programs or expiation.

2 Based upon the findings, the team recommended
3 implementing various districtwide programs that could save
4 the district money, while also diverting material from
5 landfill. The staff findings were documented in a
6 detailed waste assessment report, which was reviewed by
7 the district staff and used to create a workplan for
8 targeting goals and objectives.

9 --o0o--

10 MS. VARGAS: One of the programs selected was the
11 food diversion composting program. The district decided
12 to start with a pilot program with 3 schools. Within the
13 short time period remaining during last year's school
14 year, the schools were able to divert approximately over 1
15 ton of food waste from the landfill to the composting
16 facility. Both Waste Management of the Desert and Cal
17 Biomass piloted the food composting program for free.

18 This year the program has expanded to include 5
19 schools with plans to expand to the entire district of
20 over 20 schools.

21 CHAIRPERSON PAPARIAN: Those are some attractive
22 adults in that picture, too.

23 (Laughter.)

24 MS. VARGAS: The district has the potential to
25 literally cut their disposal costs in half through the

1 implementation of the food composing program while
2 diverting the material from the landfill.

3 --o0o--

4 MS. VARGAS: As a result of the waste assessment
5 DPLA staff found that the schools were sending all C&D
6 materials to the landfill for disposal. After the waste
7 assessment, board staff assisted the district by
8 facilitating meetings with the hauler who provided the
9 district with a plan for diverting the C&D materials for
10 recycling.

11 Two new schools were recently constructed with a
12 recycling plan and over 261 tons of construction and
13 demolition material was diverted from the landfill and
14 sent to various markets for reuse.

15 With 14 schools being planned for construction,
16 the potential to divert literally thousands of tons of
17 material from the landfill is a realistic goal, thus
18 saving the district thousands of dollars.

19 --o0o--

20 MS. VARGAS: One thing that was identified
21 through the grant was the need to provide teachers.
22 District, staff, students and parents with the resource
23 for easily accessing district recycling information, a
24 once-stop-shop web site was created to address this need.

25 Some of the goals for developing the web site

1 included, inform the teachers about upcoming events;
2 educate teachers, students and the public on what they can
3 reuse, recycle and compost; provide teachers students and
4 the public with a web site resource for how to get a
5 program started.

6 --o0o--

7 MS. VARGAS: The district took it one-step
8 further. By adding student involvement as on-site roving,
9 recycling reporters. Each month, a different class
10 submits an article for publication regarding diversion
11 composting or other environmental concepts for posting on
12 the web site.

13 For example, this month the article is all about
14 vermacomposting at Abraham Lincoln Elementary.

15 --o0o--

16 MS. VARGAS: One of the most critical components
17 of implementing any successful program is by including the
18 necessary partners to help ensure the success of the
19 program. For example, both the City of Palm Desert and
20 Indian Wells provided technical, financial and staff
21 resources for implementing the food composting program.
22 Palm Desert is currently planning an Ewaste universal
23 waste program that will include diverting E-waste and
24 universal waste from Palm Desert schools.

25 Both cities were instrumental in providing the

1 district with the valuable resources from the
2 implementation of their workplan. Cal Biomass provided
3 technical assistance and waived the fees for the pilot
4 food composting program and are providing incentives to
5 make it economically feasible to divert materials to the
6 facility versus going to the landfill.

7 There are plans for the compost material to be
8 returned the school's ball fields and school gardens as
9 nutrient rich compost.

10 Waste Management provided financial, staff
11 resources for starting the food composting program and has
12 provided the district with economic incentives to continue
13 the program versus going to the landfill. Waste
14 Management has even taken it one step further by offering
15 \$2,000 to any school in the district that can eliminate
16 all of their waste for a 1-month time period.

17 --oOo--

18 MS. VARGAS: With the start of the new year, the
19 district will roll out an environmental art contest for
20 grades K through 12. The purpose of the art contest is to
21 generate interest and increase awareness in environmental
22 topics where students are challenged to utilize materials
23 made from recycled content.

24 The high school photography class will provide
25 pictures for display on the District's web site. The

1 College of the Desert will be providing a perpetual trophy
2 made of recycled clay, and the partner cities are working
3 to promote the winners-of-the-art-contest graphically on
4 the sides of the city buses. The contest starts January
5 3rd 2005 and ends March 4th, 2005.

6 --o0o--

7 MS. VARGAS: In the coming year, the district
8 will be expanding their food waste, diversion, recycling
9 and procurement efforts. It is our goal continue to use
10 Desert Sands Unified School District as a model for other
11 school districts throughout California.

12 In closing, the district continues to Embody the
13 vision of the environmental ambassador program as outlined
14 in SB 373.

15 This concludes my presentation.

16 CHAIRPERSON PAPARIAN: Thank you very much. We
17 have some folks here associated with the program?

18 MS. VARGAS: Not today. They were here yesterday
19 doing a presentation at the composting.

20 CHAIRPERSON PAPARIAN: Good presentation. And
21 they have some good stuff they're doing. We may have to
22 challenge Mr. Edgar's clients to top that \$2,000 a school.

23 (Laughter.)

24 CHAIRPERSON PAPARIAN: Any questions?

25 COMMITTEE MEMBER MARIN: No, just

1 congratulations. And is this your last day or --

2 MS. VARGAS: Close to it.

3 COMMITTEE MEMBER MARIN: Close to it. Be nice to
4 Kyle for the remainder.

5 MS. VARGAS: Never.

6 (Laughter.)

7 COMMITTEE MEMBER MARIN: Never, okay. Mr.
8 Chairman, you know, this is one of the things that we
9 really need to go out and tell the world that this, in
10 fact, works. And with all of the partners that you guys
11 were able to secure, it was truly amazing. It sets the
12 example for others to follow. And thank you for the work
13 that you have done. I know it's been a lot. But, you
14 know, it's still rewarding to see that it, in fact, works.

15 As far as the contest, we will prohibit Jon Myers
16 from submitting, because I'm sure he would take it -- be
17 the winner. So we can't have him.

18 (Laughter.)

19 CHAIRPERSON PAPARIAN: Well, we'll note this is
20 the second time his name has come up and he hasn't been
21 here.

22 COMMITTEE MEMBER MARIN: He's actually brilliant,
23 you know that.

24 CHAIRPERSON PAPARIAN: Thank you.

25 MS. VARGAS: Thank you very much.

1 CHAIRPERSON PAPARIAN: We need to take a quick
2 break to switch to the tape.

3 Okay.

4 DEPUTY DIRECTOR SCHIAVO: Okay. Items J, K and L
5 are consideration of 2001/2002 biennial review findings
6 for a number of jurisdictions and Steve Sorelle will
7 present this item -- or these items.

8 OFFICE OF LOCAL ASSISTANT NORTH SECTION

9 SUPERVISOR SORELLE: Morning Chair and Committee Members.

10 Staff have conducted their biennial reviews and
11 found that the jurisdiction in item J has achieved a 2002
12 diversion rate of 52 percent and is adequately
13 implementing its source reduction, recycling, composting
14 and public education information programs as outline in
15 their Source Reduction Recycling Element and Household
16 Hazardous Waste Element.

17 Attachment 2 has been revised and this
18 jurisdiction is claiming diversion from Biomass for 2001
19 and 2002. While the 2002 diversion rate still remains
20 below 50 percent requirement for the jurisdictions in
21 items K and L, Board staff in conducting their biennial
22 reviews have determined that these jurisdictions are
23 continuing to make all reasonable and feasible efforts to
24 implement new and or maintain their diversion programs.

25 Some of the jurisdictions in these items are

1 small rural cities, counties and regional agencies which
2 have extensive fluctuations in diversion rates, such as
3 Inyo Regional Waste Management Agency.

4 The SB 2202 working group recommended that rural
5 jurisdictions be allowed to demonstrate AB 939 compliance
6 by program implementation and effectiveness instead of
7 spending resources on fixing numerical issues. Staff
8 followed this recommendation when reviewing these
9 jurisdictions.

10 Agenda items J, K and L list those jurisdictions
11 for which staff are recommending approval of the 2001/2002
12 biennial review.

13 This concludes my presentation. Thank you.

14 CHAIRPERSON PAPARIAN: Okay. So we're looking
15 first at Item I, right, which is Agenda Item 8 on the
16 regular Board meeting.

17 OFFICE OF LOCAL ASSISTANT NORTH SECTION

18 SUPERVISOR SORELLE: J.

19 CHAIRPERSON PAPARIAN: J. Okay, I'm sorry I've
20 got the wrong numbering system here. Okay, so we're on
21 Item J or 8 on the regular board meeting. Any questions
22 on that item.

23 COMMITTEE MEMBER MULÉ: If there are no
24 questions, I move approval of Resolution 2004-292.

25 COMMITTEE MEMBER MARIN: Second.

1 CHAIRPERSON PAPARIAN: Okay. We have a motion and
2 a second. We'll substitute the previous roll call and put
3 that one on consent.

4 So the next one will be the next item with
5 Resolution 2004-293. And that's Item 9 on the regular
6 Board Agenda.

7 COMMITTEE MEMBER MULÉ: I do just have one quick
8 question. You did mention that it is a rural jurisdiction
9 at Willits and Inyo Regional Waste Management Agency. And
10 I know that there are fluctuations in their diversion
11 rate, can you explain what that's attributed to?

12 OFFICE OF LOCAL ASSISTANT NORTH SECTION
13 SUPERVISOR SORELLE: For both of them?

14 COMMITTEE MEMBER MULÉ: Yes.

15 OFFICE OF LOCAL ASSISTANT NORTH SECTION
16 SUPERVISOR SORELLE: For example, Inyo had some
17 significant C&D activity. They actually recycled a fair
18 amount of material. But it really overwhelmed their
19 systems, if you will. So that created a drop. We're
20 actually happy to report that preliminary calculations for
21 '03 put it up to 30 percent. So it will be back a
22 percentage point above its rural reduction.

23 Willits similarly had significant activity in
24 that area. And in fact we're working with that
25 jurisdiction currently. They're going to their Board in

1 January with a C&D ordinance that they've been working on
2 for a number of months. So we decided that that was a
3 good faith effort. We're watching that. They're aware of
4 it. And we expect a report back in January from them.

5 COMMITTEE MEMBER MULÉ: Thank you very much.

6 CHAIRPERSON PAPARIAN: Okay. So you're moving --

7 COMMITTEE MEMBER MULÉ: With that I move approval
8 of Resolution 2004-293.

9 COMMITTEE MEMBER MARIN: I'll second that.

10 CHAIRPERSON PAPARIAN: Okay. There's a motion
11 and a second. We'll substitute the previous roll call.
12 And that one will go on consent.

13 So then next is Item L or Item 10 on the regular
14 Board agenda. Any questions on that item?

15 COMMITTEE MEMBER MULÉ: No. I move approval of
16 Resolution 2004-294.

17 COMMITTEE MEMBER MARIN: I second.

18 CHAIRPERSON PAPARIAN: Okay. There's a motion
19 and a second. We'll substitute the previous roll call and
20 put that one on consent.

21 The next one is Item M on our agenda or Item 11
22 on the regular Board agenda.

23 DEPUTY DIRECTOR SCHIAVO: And this is a
24 consideration to change the base year in 2001/2002
25 biennial review findings for the City of Fontana in San

1 Bernardino and Rebecca Brown will present this item.

2 MS. BROWN: Good morning, Chair Paparian and
3 committee members. The City of Fontana has requested to
4 change its base year to 2000 using the data from its
5 previously approved 2000 generation study.

6 The City has requested a 54 percent diversion
7 rate for the 2000 new base year. Board staff recommended
8 deductions and additions in the original study that can be
9 viewed by referring to attachment 4 of the agenda item
10 packet. These changes did not change the 2000 diversion
11 rate as claimed by the City.

12 With the Board staff recommended new base year,
13 the City's diversion rate would be 54 percent for 2000, 53
14 percent for 2001 and 52 percent for 2002.

15 Staff has also conducted the 2001/2002 biennial
16 review of the City's Source Reduction and Recycling
17 Element and Household Hazardous Waste Element and finds
18 that it is adequately implementing source reduction,
19 recycling, composting and public education and information
20 programs.

21 Based on these findings, Board staff recommends
22 that Board adopt option number 1, approving the City's
23 request to use its previously approved 2000 generation
24 study to establish a new 2000 base year and accept staff's
25 2001/2002 biennial review findings of the city's Source

1 Reduction and Recycling Element and Household Hazardous
2 Waste Element.

3 There are three representatives here from the
4 City if you have any questions for the City and I'll be
5 happy to answer any questions as well.

6 Thank you.

7 CHAIRPERSON PAPARIAN: Any questions?

8 Board Member Mulé.

9 COMMITTEE MEMBER MULÉ: First of all, I'd like to
10 make a comment. I just want, Rebecca, for you to know
11 that I'm very pleased -- and for the City representatives
12 to know that I'm very pleased that you did not extrapolate
13 your diversion data. That is -- I think that that's
14 great. It sounds like you used actual numbers. And so
15 I'm very pleased to see that.

16 The question I do have, however, is when I look
17 at your base year in 1990 your disposal of 125,000 tons
18 and your diversion of 58,000 tons and then with your new
19 base year of 2000, your disposal is 122,000 and your
20 diversion practically tripled, your disposal went down and
21 your diversion tripled. I'm very pleased to see that.
22 But my question is how did you do it, because we need to
23 share your secret with some of the other jurisdictions?

24 Thank you.

25 MR. AARON: Good afternoon, Honorable Chair.

1 Curtis Aaron, Public Services Director for the City of
2 Fontana.

3 Our original SRRE report was based off of
4 projected numbers and not actual. So when it was looked
5 at, there was no real numbers. When we went back and did
6 our reports, we would use the actual numbers. So that's
7 why there's such a variation in those numbers. And it
8 does look funny too.

9 COMMITTEE MEMBER MULÉ: Well, it just goes to
10 show that, you know, over the 15 -- 14, 15 years, you
11 know, a lot changes and just shows how we go back that
12 far, how much things have changed and that you're now
13 using actual numbers, as you said, as opposed to
14 projections.

15 MR. AARON: As you know, when the AB 939 started
16 everyone was struggling at the beginning to figure out how
17 to do this. And we've learned from a lot of those
18 mistakes and we continue to improve in those areas. So
19 using actual numbers actually helps us get to a real
20 endline. So thank you. And Rebecca has done a great job
21 working with her. So the Board staff has done an fabulous
22 job. She's very thorough, trust us.

23 COMMITTEE MEMBER MULÉ: Oh, I know.

24 (Laughter.)

25 COMMITTEE MEMBER MULÉ: I know from personal

1 experience from Rebecca. Keep up the good work. Thank
2 you very much.

3 CHAIRPERSON PAPARIAN: Board Member Marin.

4 COMMITTEE MEMBER MARIN: So this means that you
5 did not cook the books, because Rebecca was there
6 watching, right?

7 (Laughter.)

8 MR. AARON: Absolutely. We would never think of
9 doing anything like that.

10 She's small, but she's mighty.

11 (Laughter.)

12 CHAIRPERSON PAPARIAN: Well, good job. If every
13 jurisdiction was like yours, we'd be over 50 percent
14 statewide.

15 COMMITTEE MEMBER MULÉ: With that, I'd like to
16 move approval of Resolution 2004-295.

17 COMMITTEE MEMBER MARIN: Second.

18 CHAIRPERSON PAPARIAN: Okay, there's a motion and
19 a second. We'll substitute the previous roll call and put
20 this one on consent.

21 DEPUTY DIRECTOR SCHIAVO: We'd like to combine
22 Items N and O or 12 and 13. And these are consideration
23 of a new base year plus application for a 1066 extension.
24 And Kaoru Cruz will present these items.

25 OFFICE OF LOCAL ASSISTANCE SOUTH SECTION

1 SUPERVISOR CRUZ: Good afternoon, Committee Chair Paparian
2 and Committee Members.

3 Please note that there is a revision in the item.
4 On page 1, under issue and program statement. The second
5 sentence should be that "The City's requested diversion
6 rate is 55 percent" instead of 47 percent.

7 The City of Ojai has requested to change its base
8 year to 2000 using the data from its previously approved
9 2000 generation base study. The City has requested 55
10 percent diversion rate for 2000 new base year. Both staff
11 recommended deductions in addition to the original study,
12 which can be viewed in its entirety by referring to
13 Attachment 4 of agenda item packet.

14 With the Board staff recommended new base year,
15 the City's diversion rate will be 47 percent for 2000, 43
16 percent for 2001, and 44 percent for 2002.

17 Staff recommends the Board adopt option number 2,
18 approve the City's base year change with staff and all
19 board suggested modifications.

20 The City of Ojai has also requested a 1066 time
21 extension through December 31st, 2005. The City has
22 implemented over 40 programs and previously received a
23 good faith effort for 47 percent in 2000. Since 2000, the
24 City has worked with its school and businesses to further
25 increase diversion.

1 However, because it still has not met the
2 diversion rate of 50 percent, the City has identified
3 areas in which diversion can be increased. These include
4 new performance standards in its trash franchise agreement
5 with improvements to residential, commercial and C&D
6 diversion programs.

7 Over the next year, the City will monitor these
8 new programs for success and make adjustments as
9 necessary. Staff recommends the Board adopt option number
10 1, approve the City application as submitted for an
11 extension to the 2000 diversion requirement on the basis
12 of its good faith effort today to implement diversion
13 programs and its plans for future implementation.

14 A representative for the City of Ojai is present
15 to assist in answering any questions. This concludes my
16 presentation. Thank you.

17 CHAIRPERSON PAPARIAN: Let me just ask. The 55
18 percent is what the City was originally suggesting. And
19 after our analysis, you brought it down to 47 percent.
20 What was the biggest reason for that or why did they
21 change?

22 OFFICE OF LOCAL ASSISTANCE SOUTH SECTION
23 SUPERVISOR CRUZ: The inert -- the biggest change was
24 inert tonnage. This inert tonnage was quantified
25 countywide and allocated to each jurisdiction. And this

1 allocation was also modified when Ventura County submitted
2 its base year. So the pie shrunk so that the allocation
3 also decreased that, made 55 percent a 47 percent.

4 DEPUTY DIRECTOR SCHIAVO: There's an explanation
5 on 12-29 at the very bottom of the page dealing with the
6 restricted waste issues.

7 CHAIRPERSON PAPARIAN: Is the City -- I assume
8 you represent the City. Do you want to speak to this.
9 Okay, come on up and identify yourself.

10 MS. WHITMAN: Good afternoon, Chairman Paparian
11 and members of the Board. My name is Heidi Whitman for
12 the City of Ojai. And when we did our original 2 year --
13 2000 generation assessment, we had reports that we
14 received written reports from C&D processors that
15 indicated that they had processed a certain tonnage of
16 waste.

17 When the County did their countywide study, they
18 came up with a certain percentage that was allocated
19 countywide. And because some of the facilities in eastern
20 Ventura county where our material doesn't even go, didn't
21 have scales, the percentage across the board was reduced.
22 So we do believe that our inerts are higher than that, but
23 you know we were happy to take the allocation that we did
24 get.

25 CHAIRPERSON PAPARIAN: So fundamentally, you're

1 not disagreeing with the 47 percent, although you think it
2 might be higher --

3 MS. WHITMAN: Yes.

4 CHAIRPERSON PAPARIAN: -- you don't have a way to
5 verify that.

6 MS. WHITMAN: Yes, because most of our inerts
7 actually were discounted as a result of the problem in
8 eastern Ventura county.

9 CHAIRPERSON PAPARIAN: Okay. Board Member Mulé.

10 COMMITTEE MEMBER MULÉ: And the fact that the
11 facilities didn't have scales?

12 MS. WHITMAN: Yes, that's why. Although we
13 really don't believe any of our waste went there, because
14 our facilities are in western Ventura county.

15 But because it was a countywide allocation, it
16 took the entire total down countywide, so then the amount
17 that we received was lower.

18 COMMITTEE MEMBER MULÉ: Right. So my question to
19 staff then, is there anyway that we can look at that and
20 see if -- you know, because again, it just sounds like
21 they took the allocation based on like a percentage basis.

22 MS. WHITMAN: Yes, that's correct.

23 COMMITTEE MEMBER MULÉ: Is there anyway that we
24 can examine that further and give Ojai -- you know, I mean
25 if they are in fact due additional tonnage, is there

1 anyway that we can look at that?

2 OFFICE OF LOCAL ASSISTANCE SOUTH SECTION

3 SUPERVISOR CRUZ: Because this is based on the allocation,
4 if we change the allocation to Ojai, we have to change the
5 allocation to every other jurisdiction which may affect --
6 deliberately affect every other jurisdiction. So the
7 older jurisdiction in Ventura county has to come to the
8 agreement how they want to allocate this, you know,
9 countywide tonnage. And then submit to us the new
10 allocation method then we could change the tonnage
11 allocated to the city.

12 COMMITTEE MEMBER MULÉ: So you're comfortable
13 with that?

14 MS. WHITMAN: We're happy with where we are.
15 We've done a lot in the city of Ojai. And we're the
16 tinniest city in Ventura county. So we think that we're
17 doing quite a bit and we're happy to forego the inerts --

18 COMMITTEE MEMBER MULÉ: Okay.

19 MS. WHITMAN: -- because we have a plan to get
20 there anyway.

21 COMMITTEE MEMBER MULÉ: Okay, good. Thank you.

22 CHAIRPERSON PAPARIAN: Okay. Thank you for
23 coming up.

24 So is there a motion?

25 COMMITTEE MEMBER MARIN: Move approval.

1 CHAIRPERSON PAPARIAN: Board Member Marin moves
2 Resolution --

3 COMMITTEE MEMBER MULÉ: Second.

4 CHAIRPERSON PAPARIAN: -- 2004-297, seconded by
5 Board Member Mulé.

6 We'll substitute the previous roll call and put
7 that one on consent.

8 And then we also have Resolution 2004-298, which
9 --

10 COMMITTEE MEMBER MARIN: Move approval.

11 COMMITTEE MEMBER MULÉ: Second.

12 CHAIRPERSON PAPARIAN: -- Board Member Marin
13 moves and Board Member Mulé seconds. And we'll substitute
14 the previous roll call and put that one on consent.

15 DEPUTY DIRECTOR SCHIAVO: Item P Board Item 14 is
16 consideration of a second SB 1066 time extension for
17 Mission Viejo and Tustin in Orange County and then San
18 Diego in San Diego county. And Zane Poulson will present
19 this item.

20 MR. POULSON: Good afternoon, Committee members.
21 The cities of Mission Viejo, Tustin and San Diego have
22 requested second time extensions through December 31st,
23 2005.

24 The specific reason the City of Mission Viejo
25 needs a second time extension are as follows:

1 To implement programs as outlined in the second
2 time extension, such as construction and demolition. The
3 City of Mission Viejo has adopted a construction and
4 demolition waste recycling ordinance. The ordinance
5 requires permit applications to divert a minimum of 75
6 percent of construction and demolition waste from the
7 affected projects.

8 Diversion can be accomplished by using the city's
9 franchise hauler's services, whereby self-hauling to a C&D
10 processing facility.

11 Waste to Energy. The City's waste hauler will
12 deliver all non-C&D material collected in roll-off
13 containers to south east resource recovery facility, a
14 waste-to-energy facility in the city of Long Beach. This
15 material will include solid waste from all permanent
16 roll-off customers and all temporary loads that are not
17 C&D materials.

18 Policy Incentives. The City will require
19 diversion of inert materials on all city public works'
20 street improvement projects. Diversion of C&D materials
21 on all city construction and demolition projects and
22 diversion of inert materials from encroachment permits.
23 The City will accomplish this by making it a requirement
24 on all related job specifications.

25 The specific reason the City of Tustin needs a

1 second time extension are as follows:

2 To implement programs as outline in their second
3 time extension, such as residential curbside collection
4 and residential green waste. The City will address
5 barriers of contamination and low participation with
6 education and increased monitoring.

7 Commercial on-site pickup. The City will address
8 barriers of low participation with a specific
9 implementation plan that systematically targets the
10 largest businesses in the city. The City will dedicate a
11 full-time staff person to this program for increased
12 outreach, education and monitoring.

13 Construction and Demolition. Although the City
14 adopted a C&D ordinance in October of 2004, the effective
15 enforcement of the ordinance requires a higher level of
16 coordination between the franchise hauler, the developers
17 and the contractors than the City had expected. The City
18 is working with the developers to obtain a more reliable
19 method of tracking the diversion and is incorporating
20 these discussions into the development of a revised
21 ordinance to be adopted by the City in February of 2005.

22 Material recovery facility and transformation.
23 The City's waste stream including multi-family will be
24 taken to a material recovery facility for sort and the
25 residue is to be taken for transformation.

1 The specific reason the City of San Diego needs a
2 second time extension are as follows:

3 To implement programs as outline in their second
4 time extension such as, construction and demolition
5 diversion. The City will work to site a mixed
6 construction and demolition processing facility at the
7 Miramar landfill. And the City will pass a construction
8 and demolition policy or ordinance to encourage and
9 promote the diversion of construction and demolition waste
10 from projects within the city of San Diego.

11 Mandatory recycling ordinance. The City plans to
12 increase recycling from the City's commercial on-site
13 collection program, multi-family recycling program and
14 single family recycling and green waste diversion
15 programs, through a mandatory recycling ordinance that
16 will require permitted haulers in the city to implement
17 mandatory recycling programs to service these entities.

18 Sludge diversion. The City is working with the
19 water district to increase the diversion of sludge
20 produced at the local waste water treatment plant. The
21 City estimates that they can achieve a goal of diverting
22 90 percent of the biosolids produced at the facility.

23 Commercial food waste diversion. The City is
24 working to partnership with large food waste generators in
25 the city to setup routes to collect food waste to deliver

1 it to the Miramar composting facility for diversion. One
2 new partner in the program will be Petco Park when the new
3 baseball season begins in April of 2005.

4 The cities are anticipating the following
5 increase in their diversion rates. Mission Viejo from 11
6 to 13 percent; Tustin 10 percent; and San Diego from 8.45
7 to 14.2 percent.

8 Board staff has determined that the information
9 submitted in the applications are adequately documented.
10 Based on this information, Board staff is recommending
11 that the Board approve the time extension request for all
12 of these cities.

13 This concludes my presentation.

14 Thank you.

15 CHAIRPERSON PAPARIAN: Board Member Mulé.

16 COMMITTEE MEMBER MULÉ: I just want to commend
17 all 3 cities on their efforts to increase programs. It
18 sounds like you've all identified areas that need to be
19 focused on in terms of increase diversion. And you've
20 really honed in on it and developed programs to address
21 that additional diversion potential and I really
22 appreciate that.

23 I just want to mention that I was the Miramar
24 landfill back on October I believe. And I have to tell
25 you, I was very impressed with the variety of programs

1 that are going on at that facility, because it's not just
2 a landfill. They have a recycling buy-back center,
3 household hazardous waste center, and very impressive
4 native plant nursery, a composting program that is second
5 to none.

6 I think you went from couldn't give enough away
7 -- couldn't give it away to now you're generating revenues
8 of, I think, approximately \$200,000 a year, because of the
9 variety of products that you're making from the different
10 types of organic materials that you're bringing in. It's
11 very impressive.

12 But what impressed me the most was the good will
13 box that sits in the front of the landfill -- prior to the
14 entrance of the landfill. So it gives those self-haul
15 people and opportunity to take whatever can be reused and
16 reuse it rather than just disposing of it in the landfill.

17 So I just want to comment for the efforts that
18 you're doing. And again, the other two cities as well, it
19 sounds like you've really targeted programs that are
20 really going to help you divert some valuable materials
21 from the landfill and from disposal.

22 Thank you.

23 CHAIRPERSON PAPARIAN: Board Member Marin.

24 COMMITTEE MEMBER MARIN: Yes, Mr. Chair, I also
25 visited the San Diego area and the Miramar landfill, and

1 was able to see was Ms. Mulé shared with us.

2 One of the things that I would like to say though
3 is that I really like, and this has nothing to do with
4 this particular program, but I love their -- the City's
5 billboards and their trucks, "Recycling or Else". I love
6 that. It was -- they gave me a T-shirt and I did not have
7 to disclose that, because they told me it was less than
8 \$10.

9 (Laughter.)

10 COMMITTEE MEMBER MARIN: But I think it's just
11 really remarkable. I know that we have somebody here from
12 the City and it's -- we do need to recognize when they do
13 something really good. And I know he likes to do the
14 stick, but -- you do. You do.

15 CHAIRPERSON PAPARIAN: Only when it's needed
16 though.

17 COMMITTEE MEMBER MARIN: When it's needed.

18 CHAIRPERSON PAPARIAN: I like to recognize people
19 that do good work.

20 COMMITTEE MEMBER MARIN: When they do good work,
21 you're the first one.

22 CHAIRPERSON PAPARIAN: We like carrots more.

23 COMMITTEE MEMBER MARIN: We like carrots more.

24 And they've done a remarkable job. And so I certainly if
25 you're ready for a motion, Mr. Chair.

1 CHAIRPERSON PAPARIAN: Yes.

2 COMMITTEE MEMBER MARIN: I so move.

3 COMMITTEE MEMBER MULÉ: Second.

4 CHAIRPERSON PAPARIAN: Okay. Resolution --

5 COMMITTEE MEMBER MARIN: Or else.

6 (Laughter.)

7 CHAIRPERSON PAPARIAN: -- Resolution 2004-299,
8 moved by Board Member Marin seconded by Board Member Mulé.
9 We'll substitute the previous roll call and put that one
10 on consent.

11 DEPUTY DIRECTOR SCHIAVO: Okay, Jill Simmons will
12 be presenting the final Item Q, I have Board Item 15. And
13 this is the biennial review findings for the large
14 metropolis of Trinidad, Humboldt County all 310 residents.

15 (Laughter.)

16 MS. SIMMONS: Good afternoon, Chairman and
17 Committee Members. Trinidad is a small rural city with a
18 population of 310. The city is one of the smallest
19 reporting jurisdictions in the state. Every time disposal
20 tonnage changes by 9 tons. This impacts the diversion
21 rate by one percentage point.

22 The amount of material the city continues to
23 recycle has steadily increased. Some of the major
24 programs that have been implemented include a certified
25 centralized drop-off location that provides a convenient

1 recycling opportunity for residents as well as businesses,
2 and which continues to expand with each passing year.

3 Recycling containers were also purchased and
4 placed at 2 additional sites that tend to have a large
5 tourist population.

6 Buy-back and self-hauling opportunities are
7 available for recycling a whole host of material types at
8 2 transfer stations as well as a major community recycling
9 center. A local market collects and encourages area
10 businesses to recycling cardboard at their store.

11 As Steve Sorelle previously noted in his
12 presentation, the SB 2202 working group recommended that
13 rural jurisdictions be allowed to demonstrate AB 939
14 compliance by program implementation and effectiveness
15 instead of spending resources on fixing numerical issues.

16 Following this direction, staff recommends that
17 the Board find that the City of Trinidad has made a
18 good-faith effort in meeting diversion requirements. This
19 concludes my presentation. Board staff are available to
20 answer any questions.

21 CHAIRPERSON PAPARIAN: Any questions?

22 COMMITTEE MEMBER MULÉ: One quick one. How do
23 you go from 54 percent in the year 2000 to a minus 9
24 percent?

25 MS. SIMMONS: I know. I know. What was

1 discovered is that the Humboldt transfer station, they
2 were using zip codes to determine the origin of waste, and
3 that just wasn't an accurate way to determine origin of
4 waste, because that zip code also included residents from
5 the county area.

6 And then 2, there was a roofing project -- this
7 was specific to 2002, 2 roofing projects that came through
8 during their survey week. So being that 9 tons impacts
9 their diversion rate by 1 percentage point, it had a
10 significant impact.

11 So what's occurring now is that the Humboldt
12 Waste Management Authority and the City are working with
13 the transfer station to resolve these issues and in
14 looking at disposal tonnages for 2003 they're more in line
15 with what we've seen in previous years.

16 COMMITTEE MEMBER MULÉ: Thank you.

17 MS. SIMMONS: Sure.

18 CHAIRPERSON PAPARIAN: All right.

19 COMMITTEE MEMBER MARIN: Move approval of Item
20 number 2004-300.

21 COMMITTEE MEMBER MULÉ: Second.

22 CHAIRPERSON PAPARIAN: Okay. It's been moved by
23 Board Member Marin seconded by Board Member Mulé. We'll
24 substitute the previous roll call and put that one on
25 consent.

1 I'm sure some of the consultants in the audience
2 would love to maybe adopt little Trinidad as a client.
3 They'd probably have to do it as a pro bone client. But
4 you could probably have some good times up there.

5 Is there any public comment?

6 Seeing none, this meeting is adjourned.

7 (Thereupon the California Integrated Waste
8 Management Board, Sustainability and Market
9 Development Committee meeting adjourned
10 at 12:30 p.m.)
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1 CERTIFICATE OF REPORTER

2 I, JAMES F. PETERS, a Certified Shorthand
3 Reporter of the State of California, and Registered
4 Professional Reporter, do hereby certify:

5 That I am a disinterested person herein; that the
6 foregoing California Integrated Waste Management Board,
7 Sustainability and Market Development Committee meeting
8 was reported in shorthand by me, James F. Peters, a
9 Certified Shorthand Reporter of the State of California,
10 and thereafter transcribed into typewriting.

11 I further certify that I am not of counsel or
12 attorney for any of the parties to said meeting nor in any
13 way interested in the outcome of said meeting.

14 IN WITNESS WHEREOF, I have hereunto set my hand
15 this 22nd day of December, 2004.

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23 JAMES F. PETERS, CSR, RPR

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